



City Manager's Approval:

Linda C. Lowry

**THE CITY OF
POMONA**

ADMINISTRATIVE POLICIES AND PROCEDURES

FAMILY CARE AND MEDICAL LEAVE

I. PURPOSE

To comply with the Federal Family and Medical Leave Act (FMLA) and the regulations of the California Family Rights Act (CFRA).

II. APPLICABILITY

This Policy applies to all full-time and hourly/part-time employees.

III. POLICY

To the extent not already provided for under current leave policies and provisions, the City of Pomona (City) will provide family and medical care leave for eligible employees as required by State and Federal Law. The following provisions set forth certain rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

IV. DEFINITIONS OF TERMS

- A. *"12-Month Period"* means the 12-month period measured forward from the date an employee's first leave begins.
- B. *"Active Duty or Call to Active Duty Status"* means a duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation for members of the Reserve components, the National Guard, and certain retired members of the Regular Armed Forces and retired Reserve while serving on active duty status during a war or national emergency declared by the President or Congress.
- C. *"Child"* means a child under the age of 18 years of age, or 18 years of age or

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older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or stepchild, a legal ward or a child of a person standing in loco parentis (in place of a parent).

A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living - such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

- D. *"Contingency Operation"* means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention on, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.
- E. *"Covered Service Member"* means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
- F. *"Health Care Provider"* means:
 - 1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
 - 2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
 - 3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

FAMILY AND MEDICAL LEAVE ACT (Continued):

4. Nurse practitioners and nurse-midwives and clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
 5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
 6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- G. *"In Loco Parentis"* means a person who has put him or herself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary to legal adoption and includes day to day responsibilities to care for and financially support a child. It is not mandatory that this person have a biological or legal relationship with the child.
- H. *"Next of Kin of a Covered Service Member"* means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
- I. *"Outpatient Status"* means with respect to a covered service member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- J. *"Parent"* means the biological, adoptive, step or foster parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- K. *"Registered Domestic Partner"* as defined by Family Code §§297 and 299.2, shall have the same meaning as "spouse" for the purpose of CFRA Leave. (Same sex partners if both are over the age of 18 or opposite sex if at least one is over the age of 62.) For Domestic Partner registration information please, contact Human Resources.

FAMILY AND MEDICAL LEAVE ACT (Continued):

- L. *“Serious Health Condition”* means an illness, injury impairment, or physical or mental condition that involves one or more of the following:
1. Inpatient Care: (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom), or
 2. Continuing Treatment by a Health Care Provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - (1) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; The first in-person treatment visit must take place within seven days of the first day of incapacity; or
 - (2) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 3. Pregnancy: Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA, but not CFRA. Under California law an employee disabled by pregnancy is entitled to pregnancy disability leave.)
 4. Chronic Conditions Requiring Treatments: Any period of incapacity or

FAMILY AND MEDICAL LEAVE ACT (Continued):

treatment for such incapacity due to a chronic serious health condition. A Chronic serious health condition is one which:

- a. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse;
- b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

5. Permanent/Long Term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples, a severe stroke, or the terminal states of a disease.

6. Multiple Treatment (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

M. "*Serious Injury or Illness*" means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

N. "*Single 12-month Period*" means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

O. "*Spouse*" means a husband or wife as defined or recognized under California State Law for purposes of marriage.

FAMILY AND MEDICAL LEAVE ACT (Continued):

V. REASONS FOR LEAVE

Leave is only permitted for the following reasons:

- A. The birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Leave to care for a child, parent, spouse, or a registered domestic partner who has a serious health condition;
- D. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.
- E. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, child, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (under the FMLA only, not the CFRA); or
- F. Leave to care for a spouse, child, parent, or "next of kin" service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

VI. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

- A. Has been employed for at least 12 months; and
- B. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

VII. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered service member) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

FAMILY AND MEDICAL LEAVE ACT (Continued):

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to bond with a newborn for at least one day, but less than two weeks duration on any two occasions for a total of 12 weeks in the 12-month period.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed by the City

In any case in which a husband and wife both employed by the City of Pomona are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which a husband and wife both employed by the City of Pomona are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken to care for a covered service member.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

VIII. EMPLOYEE BENEFITS WHILE ON LEAVE

A. Leave under this policy is unpaid; however, employees must use paid accrued leaves as outlined in Section IX of this Policy. While on leave, employees will continue to be covered by the City of Pomona's group health and dental insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under the City's life insurance and/or long term disability insurance.

B. Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan the City will inform you whether the premiums should be paid to the carrier or to the City.

FAMILY AND MEDICAL LEAVE ACT (Continued):

Your coverage on a particular plan shall be dropped if you are more than 30 days late in making a premium payment. Employee contribution rates are subject to any change in rates that occur while the employee is on leave.

- C. If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health and dental plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any payment due to the employee. (e.g. unpaid wages, vacation pay, etc.).

IX. SUBSTITUTION OF PAID ACCRUED LEAVES

While on leave under this policy, as set forth herein, an employee must use paid accrued leaves. Similarly, the City requires an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and requires employees to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

A. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, executive leave, and compensatory time or other leave banks while in existence, that paid leave shall be substituted for all or part of any (otherwise) unpaid leave under this policy.

1. As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy only if both of the two following conditions are met:
 - a. Leave is needed to care for a family member covered under this Policy or the employee's own serious health conditions; and
 - b. Leave would qualify as sick leave under the City's sick leave policy.
2. Sick leave may be used for bonding with a newborn or newly adopted child.

B. City's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave

FAMILY AND MEDICAL LEAVE ACT (Continued):

Employees must exhaust their accrued leave concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave with one exception:

1. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. (i.e., workers' compensation disability) The only exception is for peace officers who are on leave pursuant to Labor Code §4850.

X. MEDICAL CERTIFICATION

- A. Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider for the individual requiring care if requested by the City.
- B. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his/her position.
- C. If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.
- D. Employees who request leave to care for a covered service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.
- E. The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military

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member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

F. Time To Provide Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

G. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

H. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

XI. EMPLOYEE NOTICE OF LEAVE

- A. Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or take care of a newborn), the

FAMILY AND MEDICAL LEAVE ACT (Continued):

employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion adequately cover the position with a substitute.

- B. For foreseeable leave due to qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

XII. REINSTATEMENT UPON RETURN FROM LEAVE

A. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position and rank of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If no date has been agreed upon at the beginning of the leave, or if the reinstatement date differs from the original agreement, an employee will be reinstated as soon as possible after the employee notifies the City of his/her readiness to return.

B. Employee's Obligation To Periodically Report On His/Her Conditions

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness For Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which makes the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

FAMILY AND MEDICAL LEAVE ACT (Continued):

D. Reinstatement of "Key" Employees

The City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest 10 percent of all employed by the City) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

XIII. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy:

- A. "Request For Family or Medical Leave Form" prepared by the City to be eligible for leave. NOTE: EMPLOYEE WILL RECEIVE A RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE. (Not required if leave is due to Worker's Compensation.)
- B. Medical certification - either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse, or registered domestic partner; (Not required if leave is due to Worker's Compensation.)
- C. Fitness for duty to return from leave form.

XIV. PROCEDURE

It is the employer's responsibility to designate leave, paid or unpaid, as FMLA qualifying, (see Reasons for Leave in policy) and to give notice of the designation to the employee.

- A. Employee Responsibility:
 - 1. Complete a "Request for Family/Medical Leave" form. (Not required if leave is due to Worker's Compensation.)
 - 2. The completed form must be returned to the supervisor or Human Resources by the third calendar day from date form was issued to employee.
 - 3. If the FMLA leave is for the employee's "Serious Health Condition", a "Request For Family/Medical Leave form" must be completed in advance (e.g., if the employee has a known pending surgery or other medical

FAMILY AND MEDICAL LEAVE ACT (Continued):

procedure, except for unforeseen illnesses).

4. An employee requesting paid or unpaid FMLA leave must explain the reason for the leave, to allow the supervisor an opportunity to determine if the leave qualifies under FMLA. If the leave is foreseeable, at least 30 days notice is **required**.
5. Submit all paperwork required by the FMLA policy within ten (10) working days of the requested leave to Human Resources.
6. If leave is taken on an intermittent basis, the employee is required to abide by all City and Department practices and procedures for requesting time off.
7. Leave may be denied if employee fails to comply with the provisions of the Policy.

B. Department/Division Responsibility:

Upon receipt of knowledge that an employee may have a qualifying FMLA event, the supervisor or designee will complete and/or administer the following:

1. A "Personnel Action form" indicating the beginning and ending leave dates, and whether the leave is with or without pay. If leave end date is "unknown", please indicate so on the Personnel Action form. Employee is not required to submit a "Request for Family or Medical Leave Form" or "Physician or Practitioner Medical Certification Form" if leave is due to Worker's Compensation.
2. The supervisor shall forward the completed originals of Personnel Action form to Human Resources.
3. Photocopy documents and mail to the employee.
4. The supervisor's designation decision must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, may provide notice to the supervisor of the need to take FMLA leave.)
5. Track the employee's leave and notify the employee in writing two weeks prior to the expiration of leave and copy Human Resources.

FAMILY AND MEDICAL LEAVE ACT (Continued):

6. At the expiration of the 12 weeks of FMLA leave and the employee is still off work, the supervisor shall notify the Human Resources Department, to evaluate the status of benefits for the employee.
7. Once an employee is off work for five days, non FMLA qualifying, the supervisor shall request a note from the employee stating the approximate length of leave and forward a copy of the note to Human Resources Department within 24 hours of receipt.

Reminder to Department: If the employee does not request FMLA leave, it is the supervisor's responsibility to notify and place the employee on FMLA leave. The employer/supervisor is to identify if the leave qualifies as FMLA. The employee should be notified that the leave is FMLA qualifying.

C. Human Resources Responsibility:

1. Process the notification to the employee according to the FMLA Policy.
2. Mail a FMLA packet, consisting of a letter, FMLA Policy with certification forms advising the employee of his/her right to FMLA leave and the benefits associated with same.
3. Upon notification by the department of the employee's expiration of FMLA leave (12 weeks) and/or accrued leave, inform employee of process and fees required to continue receiving benefits through voluntary payments (**COBRA/Direct Pay**) to the City.

XV. ACTION

This Policy is effective on March 8, 2012.

Serious Health Condition Defined

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care:

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment:

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- a) Treatment¹ two or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider. The first in-person treatment visit must take place within seven (7) day of the first day of incapacity; or
- b) Treatment by a health care provider on at least one occasion which must take place within seven (7) days of the first day of incapacity and results in a regimen of continuing treatment² under the supervision of the health care provider.

3. Pregnancy:

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments:

A chronic condition which:

- a) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse;
- b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

¹Treatment includes examination to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

²A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Serious Health Condition Defined (Continued):

- c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long Term Conditions Requiring Supervision:

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatment (Non-Chronic Conditions):

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).