

	Human Resource Policy Benefits & Compensation	No. HR.BNC.06¹
	Title: MEDICAL LEAVE: NON-OCCUPATIONAL AND OCCUPATIONAL	Page: 1 of 4
		Effective Date: 03-20-18
		Retires Policy Dated: 09-27-11
		Previous Versions Dated: 08-01-09; 01-01-07; 01-01-96; 01-01-93

I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or entity in which Tenet Healthcare Corporation or an Affiliate either manages or controls the day-to-day operations of the entity (each, a “Tenet Entity”) (collectively, “Tenet”).

II. PURPOSE:

The purpose of this policy is to provide medical leaves of absence to employees who are temporarily unable to work due to a serious health condition sustained on or off the job.

III. DEFINITIONS:

- A. **Serious health condition** - illness, injury, impairment or physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility or continuing treatment by a healthcare provider and which does (or could if untreated) result in a period of incapacity of three or more consecutively scheduled work days. Conditions for which cosmetic treatments are administered, routine dental, orthodontia or periodontal problems and illness such as colds, flu, upset stomachs, headaches, etc., are not ordinarily considered serious health conditions.

IV. POLICY:

At Tenet, we understand that there may be times when an employee experiences a serious health condition. Tenet provides continuous medical leaves of absence without pay to employees who are temporarily unable to work due to a serious health condition or injury sustained on or off the job and are ineligible for a leave of absence under the Family and Medical Leave Act (FMLA). Employees eligible for FMLA will be governed by the FMLA policy HR.BNC.07. If applicable based on the employee’s request, please refer to HR.EHP.06 Disability Accommodation Policy. Employees who sustain work-related injuries are eligible for a medical leave for the period of disability in accordance with all applicable laws covering occupational disabilities.

When the employee is able to return from medical leave, an effort will be made to return the employee to the same position if it is available, or to a similar position for which the employee is qualified; however, reinstatement in such circumstances cannot be guaranteed unless required by law. Except where required by law, no combination of medical leave(s) and family leave(s) may exceed 12 months in duration.

- A. Non-Occupational Leave and Occupational Leave

¹Prior to June 3, 2013, the policy number was HR-702.

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If an employee is absent from work due to a serious health condition for three or more consecutively scheduled work days, the employee must request and receive approval for a medical leave of absence as described below.

1. An employee may request medical leave only after having completed at least 90 calendar days of service. Exceptions to the service requirement will be made as required by law.
2. An eligible employee should make a request for medical leave to his or her supervisor at least 30 days in advance of foreseeable leaves or as soon as possible for unforeseeable leaves.
3. If time off for a serious health condition is unforeseeable and exceeds three or more consecutively scheduled work days, the employee must request and return the leave request forms within 15 calendar days of first day of absence.
4. The Healthcare Provider certification must verify the need for medical leave and its beginning and expected ending dates. Any changes to the request for leave should be promptly reported to Human Resources (HR) as soon as possible, but no later than the approved expected return date. Employees returning from medical leave must submit a healthcare provider's verification of their fitness to return to work. If the initial period of approved medical leave proves insufficient, consideration will be given to a request for an extension.
5. If a medical leave is granted, it will be deemed to have begun on the first day of the illness or disability.
6. The company maintains an employee on a medical leave until one of the following events take place:
 - a. The employee is released for duty with or without restrictions;
 - b. The company receives medical documentation that the employee will not be able to return to work in any capacity;
 - c. Evidence provided by a third party indicates the employee has engaged in activities that negate their leave status. or
 - d. The employee directly informs the company that he or she does not intend to return to work.
7. An employee will be considered to have voluntarily resigned employment if he or she:

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- a. Accepts other employment during the leave or continues other employment that is inconsistent with the basis for their required leave;
 - b. Fails to return to work on the expected return to work day following the expiration of an approved leave of absence without contacting HR; or
 - c. Does not accept a position offered by the facility when returning from a leave.
8. Income Replacement for medical leave for a work-related injury or illness will be coordinated with Workers' Compensation, Paid Time Off, and Extended Illness per plan provisions, and any other benefits provided to the employee. Income Replacement will be coordinated to ensure that total compensation does not exceed regular earnings
 9. An employee may elect to apply any accrued but unused Extended Illness time and Paid Time Off during an otherwise unpaid medical leave.
 10. An employee seeking detailed information concerning the status and availability of employee benefits during a medical leave should contact HR.
 11. While on a Medical Non-FMLA leave of absence an employee will be responsible for paying the full cost of health and other insurance benefit premiums.
 12. An employee on medical leave should provide HR with at least two weeks advance notice of the date the employee intends to return to work.
 13. If an employee returns from medical leave and his or her position is unavailable due to business necessity, the employee will have 30 days to obtain another position for which they are qualified. If such a position is not obtained within 30 days, the employee will be terminated. Please refer to HR Policy HR.EHP.06 Disability Accommodation for guidance when an employee is released for duty with medical restrictions.

V. PROCEDURE:

A. Supporting Documents

Corporate Human Resources may establish supporting documents to implement this policy, including, for example, Job Aids, Protocols, or Procedures.

B. Responsible Person

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Each Tenet Entity Chief Human Resource Officer (CHRO) is responsible for assuring that all individuals adhere to the requirements of this policy and its supporting documents that all applicable procedures and processes are implemented and followed at the Tenet Entity, and that instances of noncompliance with this policy are reported to Tenet HR Operations for review and resolution by the VP, HR Operations.

C. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures, protocols and responsibilities created by this policy and its supporting documents. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable laws.

VI. ATTACHMENTS:

- Request for Medical Non-FMLA Leave of Absence

- Non-FMLA – Certification of Health Care Provider – Employee’s Serious Health Condition (Non California)

_Non-FMLA – Certification of Health Care Provider – Employee’s Serious Health Condition (California Only)- [VII. REFERENCE:](#)

[HR.EHP.06 Medical Leave: Non-Occupational and Occupational Policy Protocol](#)

[HR.EHP.06 Disability Accommodation](#)