FAMILY AND MEDICAL LEAVE POLICY

The College provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected leave to covered employees in certain circumstances.

I. Eligibility

To qualify for FMLA leave, you must: (1) have worked for the College for at least 12 months, although it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a worksite that has 50 or more employees within 75 miles. If you have any questions about your eligibility for FMLA leave, please contact the Human Resources Office.

II. Leave Policy

If eligible, you may take up to 12 or 26 weeks of family or medical leave, whichever is applicable (as explained below), within the relevant 12-month period defined below. While you are on FMLA leave, the College will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, "Medical and Other Benefits." On returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.

III. Leave Entitlement

You may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period, which is defined using a "rolling" method that is measured backward from the date you use any FMLA leave, for any of the following reasons:

- the birth of a son or daughter and in order to care for that son or daughter (leave to be completed within one year of the child's birth);
- the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- to care for a spouse, son, daughter, or parent with a serious health condition;
- to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take **up to 26 weeks** of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

IV. Both Spouses Employed by the College

Spouses who are both employed by the College and eligible for FMLA leave may be limited to a:

- Combined total of 12 weeks of leave during the 12-month period if leave is requested:
  - for the birth of a son or daughter and in order to care for that son or daughter;
  - for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
  - to care for an employee's parent with a serious health condition.
- Combined total of 26 weeks in a single 12-month period if the leave is either for:
  - military caregiver leave; or
  - a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

V. Notice of Leave

If your need for FMLA leave is foreseeable, you must give the College at least 30 days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide this notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances.

Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with the College first regarding the dates of this treatment to work out a schedule that best suits the needs of the employee or the covered military member, if applicable, and the College.

Where the need for leave is not foreseeable, you are expected to notify the College within one to two business days of learning of your need for leave, except in extraordinary circumstances. the College has Family and Medical Leave Act request forms available from the Human Resources Office. Please submit a written request, using this form, when requesting leave.

VI. Certification of Need for Leave

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from the Human Resources Office. When you request leave, the College will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided. Within 5 days after you submitted the appropriate certification form, the Human Resources Office will complete and provide you with a written response to your request for FMLA leave using the Department of Labor Designation Notice.

The College, at its expense, may require an examination by a second health care provider designated by the College. If the second health care provider's opinion conflicts with the original medical certification, the College, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The College may require subsequent medical recertification. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The College also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

VII. Reporting While on Leave

If you take leave because of your own serious health condition or to care for a covered relative, you must contact the College on a weekly basis regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

VIII. Leave Is Unpaid

FMLA leave is unpaid. You will be required to substitute any accrued and unused sick and annual leave for unpaid FMLA leave, which will run concurrently with your FMLA Leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period.

IX. Benefits During Leave

While an employee is on leave, the College will continue the employee's benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the College will require the employee to reimburse the College the amount it paid for the employee's health insurance premium during the leave period.

Under current College policy, the employee pays a portion of benefit premiums. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's benefit coverage may be dropped for the duration of the leave.

The employer will provide 15 days' notification prior to the employee's loss of coverage.

X. Intermittent and Reduced Leave Schedule

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If leave is unpaid, the College will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the College may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

XI. Returning from Leave

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.