

FAMILY MEDICAL LEAVE POLICY

In accordance with the Family and Medical Leave Act of 1993, as amended, (FMLA), Cedar Crest College provides eligible employees with up to 12 weeks of protected job leave in a 12 month period for certain family or medical reasons. The 12 month period is calculated using the “rolling” 12 month period, measured backward from the date an employee uses any FMLA leave. Approved FMLA leave runs concurrent with worker’s compensation leave, short- term disability, long-term disability, and/or any other approved leave periods.

The following conditions and guidelines must be met:

Employee Eligibility

An employee will be eligible for FMLA leave if the employee:

- Has been employed by the College for at least 12 months; and
- Has worked at least 1,250 hours during the previous 12 months prior to the first day of leave; or
- If both spouses are employed by the College, they are entitled to a combined total of 12 weeks for the birth of a child or placement of a child for adoption or foster care.

Entitlement To Leave

The College will provide an eligible employee up to a total of 12 weeks of unpaid leave during a 12 month period for any of the following reasons:

- The birth of a child to the employee;
- The placement of a child with the employee for adoption or foster care;
- To care for an immediate family member (spouse, minor child, child incapable of self-care or parent of employee) with a serious health condition;
- To take medical leave when the employee’s own serious health condition renders the employee unable to perform the regular functions of the employee’s position;
- For a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation;
- The College will also grant an eligible employee who is a spouse, son, daughter, parent; or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious illness or injury up to a total of **26 workweeks** of unpaid leave during a single 12 month period to care for the service member.

A serious health condition is any illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- Any period of incapacity that requires an absence of more than 3 consecutive full calendar days from work, school, or other regular daily activities that also involves the continuing treatment by, or supervision of, a health care provider. Continuing treatment means (a) treatment two or more times by or under the supervision of a health care provider (i.e. in person visits, the first within 7 days and both within 30 days of the first day of incapacity); or (b) one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication or physical therapy); or
- Any period of incapacity related to pregnancy or for prenatal care; or
- Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity; or
- A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required; or
- Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Military Family Leave Entitlements

Military Caregiver Leave:

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled to up to a total of 26 workweeks of unpaid leave during a single 12 month period to care for the service member. A covered service member is 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. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. The single 12 month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reasons during the single 12 month period.

Qualifying Exigency Leave:

An eligible employee is entitled to up to a total of 12 workweeks of unpaid leave during the normal rolling 12 month period for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Leave On An Intermittent Or Reduced Schedule Basis

- Leave taken because of a serious health condition of the employee, or of the employee's spouse, child, or parent, may be taken on a reduced or intermittent schedule when medically necessary. Intermittent leave is leave taken in separate blocks of time for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the College's operation. The College may require the employee taking leave for these reasons to transfer temporarily to an alternative available position with equivalent pay and benefits that better accommodates recurring periods of leave;
- Leave taken for the birth or for placement for adoption or foster care of a child cannot be taken on an intermittent or reduced leave schedule unless agreed to by the College;
- Leave taken for the birth or placement for adoption or foster care of a child must be concluded within 12 months of the date of the birth or placement.

Compensation and Benefits During Family and Medical Leave

All accrued vacation days to which an employee requesting leave is entitled must be exhausted prior to using any other otherwise unpaid FMLA leave time. The accrued vacation days used will run concurrently with the FMLA leave. Any remaining leave time under this policy will be unpaid leave. All paid sick leave to which an employee requesting leave is entitled must be exhausted prior to using unpaid FMLA leave for the employee's own serious health condition. The paid sick leave will run concurrently with the FMLA leave.

While on leave, an employee's health insurance benefits will continue under the same terms and conditions as prior to the leave, including continuing responsibility for any applicable employee premiums.

If an employee fails to return from leave, the employee must repay the College for health insurance premiums which the College paid to maintain the employee's coverage while the employee was on leave, unless the failure to return from leave is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control. The College may require the employee to provide certification of the foregoing circumstances.

Notice and Certification Requirements

If the reason for the leave is foreseeable, the employee shall provide not less than 30 days notice. If the reason for leave is not foreseeable, the employee shall notify the College as soon as practical, which will ordinarily be no more than one to two business days of when the employee learns of the need for the leave.

Leave taken due the employee's own serious health condition or due to a serious health condition of a son, daughter, spouse, parent, or employee must be supported by certification from a health care provider. The College reserves the right to require additional certifications, second or third medical opinions and periodic recertification as permitted under the Family and Medical Leave Act.

Return From Leave

When returning from leave, an employee will be returned to the same or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Before an employee may return from a leave taken because of the employee's own serious health condition, the employee must furnish the College with a certification from the employee's health care provider stating the employee is able to resume work.