

WOFFORD

Family and Medical Leave Policy (Military-Related Leave Provision Included)

On occasion, an employee may find it necessary to be out from work while he or she is ill or to care for a family member. The Family and Medical Leave Act of 1993 (FMLA) allows employees nationwide to be with family members in their time of need. Under the FMLA, eligible employees may receive up to 12 or 26 weeks of leave during a 12-month period for certain family and medical reasons. Employees are eligible if they have worked for the college for at least 12 months, worked for at least 1,250 hours over the previous 12 months, and if there are at least 50 employees employed by the College within 75 miles of the work site. An employee's eligibility for FMLA leave will be calculated by the use of a "rolling" twelve month period backward from the first day the Family Medical leave is used.

The FMLA permits you to take leave for any of the following reasons:

1. To care for your child after birth, or placement for adoption or foster care. (12 weeks)
 2. To care for your spouse, son or daughter, or parent who has a serious health condition. (12 weeks)
 3. For a serious health condition which makes you unable to perform the functions of your job. (12 weeks)
 4. The employee's spouse, child or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation (Qualifying Exigency Leave) (12 weeks); and/or
 5. The employee is needed to care for the employee's spouse, child, parent or next of kin who is a covered servicemember (Servicemember Family Care Leave). (26 weeks)
- Servicemember Family Care Leave (#5 above) is permitted under certain criteria for a 26-week period in one 12-month period. Although all of the criteria and requirements of FMLA leave of absence (LOA) apply to Servicemember Related FMLA LOA, there are additional criteria which are set out below.

Leave will not be granted to allow you time off to seek employment elsewhere or to work for another employer. Should you take time off from work for one of the above reasons, the time shall generally be unpaid. However, certain kinds of paid leave may be substituted for unpaid leave.

Advance notice and medical certification: Should you need to take time off under the FMLA, you must receive authorization from the Human Resource Office and not from your supervisor or manager. Only the Human Resource Office and Vice President for Business Affairs can designate leave as FMLA leave. You must provide 30 days'

advance notice when the need for the leave is “foreseeable” – for instance, if the medical treatments are planned in advance. If the leave is not foreseeable, you must provide advance notice as soon as is practicable. You must have a medical certification form completed by the attending health care provider to support a request for leave if the leave is to care for yourself or a family member as stated above. A recertification during the leave will also be required. If you are on FMLA leave because a serious health condition renders you unable to perform the functions of your job, a fitness for duty report must be completed by the attending health care provider prior to your returning to work. You will be expected to adhere to other notice requirements should you take FMLA leave. The Human Resource Office will explain these additional requirements to you. While on leave, you must contact the Human Resource Office every Friday. Failure to return to work upon the expiration of FMLA leave may result in termination.

Job Benefits and Protection: During FMLA leave, your coverage under the group health plan will continue. However, you must continue to pay your dependent insurance premiums (if applicable) under the group health plan; The Human Resource Office will explain the deadlines to you. Failure to make timely premium payments may cause your coverage to lapse. In addition, should the College make any premium payments on your behalf you must reimburse the College for the entire amount. For group insurance benefits other than health insurance, premium payments by the College cease when the employee goes off the payroll. Upon return from FMLA leave, most employees will be restored to their same or equivalent positions with equivalent pay, benefits and other employment terms.

Service member Related FMLA LOA

1. Definitions

Active Duty is defined as duty under a call or order to active duty under federal law.

Contingency Operation has the same meaning given under federal law.

Covered Servicemember is a member of the Armed Forces, 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.

Armed Forces include all branches of the United States Armed Forces, including National Guard or Reserves.

Outpatient Status with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to (a) a military medical treatment facility as an outpatient or (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Next of Kin means the nearest blood relative of the individual.

Serious Injury or Illness in the case of a member of the Armed Forces means an injury or illness incurred by the member in line of duty on active duty that may render the member medically unfit to perform the duties of

his/her office, grade, rank or rating.

2. Servicemember Family Care Leave is for a total of 26 workweeks of leave during a single 12-month period. An eligible employee is entitled to a combined total of 26 weeks of leave under FMLA and Servicemember Family Care Leave. In other words, the maximum LOA is 26 weeks and this 26 weeks runs concurrently with, not in addition to, the 12 weeks of FMLA leave allowed for non-Servicemember Related FMLA LOA or a Qualifying Exigency Servicemember Related FMLA LOA.

3. Where spouses are both employed, the total number of workweeks of Servicemember's Family Care Leave or a combination of Servicemember's Family Care Leave and FMLA leave is 26 weeks during a single 12-month period. If the leave taken by the spouses includes FMLA leave, that leave is limited to 12 weeks, with the remainder of the 26 weeks allowed only under Servicemember's Family Care Leave.

Questions and forms: Should you have any questions about the FMLA, please contact the Human Resource Office. You may be required to complete forms other than those described above to be eligible to take FMLA leave; therefore, contact the Human Resource Office as soon as you are aware FMLA leave will be needed.