



Family/Medical Leave Policy

Covered Leave: The College recognizes that from time to time employees may require a leave of absence to attend to certain family or medical situations. Therefore, and in compliance with the federal Family and Medical Leave Act (“FMLA”), the College will provide family/medical leave to eligible employees requiring time off for the following reasons:

- For their own serious health condition (including pregnancy, prenatal medical care, childbirth, and on-the-job illnesses or injuries), which makes them unable to perform at least one of the essential functions of their job (referred to as “**medical leave**”).
- To care for their newborn, adopted or foster-placed child and for the adoption or foster placement of a child (within 12 months of the birth, adoption or foster placement) (referred to as “**family leave**”).
- To provide necessary care for the serious health condition of their spouse, parent, or minor or disabled child (referred to as “**family leave**”).
- When a spouse, parent or child is on or has been called to active duty status in the National Guard or Reserves in support of a contingency operation and experiences a “qualifying exigency” such as the need to attend certain military events, arrange for alternative childcare, address certain financial and legal arrangements, attend certain counseling sessions, and attend post-deployment reintegration briefings (referred to as “**family leave**” or “**military exigency family leave**”).
- To provide necessary care for a spouse, parent, child or otherwise nearest blood relative who incurred a serious injury or illness in the line of active duty in the Armed Forces that may render the servicemember medically unfit to perform his or her duties, and for which the servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list (referred to as “**family leave**” or “**servicemember family leave**”).

Eligibility: Employees who have been employed at the College for at least 12 months, and have actually worked at least 1,250 hours during the 12-month period preceding their leave, are eligible to receive up to 12 weeks of family/medical leave in a 12-month period (measured from one year “rolling” back from a current request). Employees are entitled to up to 26 weeks of leave for servicemember family leave in a single 12-month period, measured from the date their leave begins. Such 26-week entitlement shall include any other FMLA leave taken under this policy. Employees with disabilities who do not meet the above eligibility requirements, or who exhaust their FMLA medical leave, may be granted non-FMLA medical leave as a reasonable accommodation of a disability to the extent that it does not result in undue hardship to the College. In addition, leave to care for a domestic partner with a serious health condition will be granted, but will not count against employee’s 12-week entitlement under the FMLA. Given the complexity of leave issues, employees considering family/medical leave, including those who do not meet the above eligibility requirements, should contact Human Resources for further information.

Form of Leave: Leave may be taken in one consecutive period of up to 12 weeks. When medically necessary to care for their own serious health condition or that of their eligible family members, employees may also take leave intermittently (in separate blocks of time) or on a reduced leave schedule (fewer hours in a day or days in a week than normally scheduled). While intermittent or reduced schedule leave will be granted to eligible employees who have a serious health condition or who are caring for a covered family member with a serious health condition, such leave for employees to care for a newborn or newly-adopted or foster-placed child may only be taken if granted at the discretion of the College. Employees who need intermittent or reduced schedule leave are expected to consult with the College prior to scheduling treatment in order to work out a schedule that does not disrupt the College's operations, and must provide documentation demonstrating that leave on an intermittent or reduced schedule basis is medically necessary. Employees who take medical leave on an intermittent or reduced schedule basis may be transferred to another position that would better accommodate such leave, at the sole discretion of the College.

Notice and Applicable Forms: Employees seeking leave should provide as much notice as possible of their need for leave. Employees requesting leave, to the extent that such leave is foreseeable, must provide at least 15 days' prior notice for leave to care for a family member with a serious health condition, and at least 30 days' prior notice for leave due to their own serious health condition or to care for a newborn or newly adopted or foster-placed child. When the need for the leave is not foreseeable, including in the case of military exigency family leave, employees must provide notice as soon as practicable. Employees must provide sufficient information for the College to determine if the leave is covered by the FMLA and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified. Failure to provide proper notice may result in a delay of leave or discipline for unauthorized absence. Applicable forms are available from, and should be submitted to, Human Resources at the time of notice to the College. After a request for leave, the College will provide notice of employees' eligibility for leave.

Human Resources will be solely responsible for granting or denying a request for family/medical leave. In addition, employees must complete applicable forms, including an acknowledgment of their obligations while on leave, and submit documentation demonstrating their need for leave, including but not limited to birth certificates, proof of familial relationship, proof of military exigency, and medical certification. Applicable forms are available from Human Resources. The College will designate employees' leave as FMLA leave, in writing, in a timely manner, and will notify employees when leave is not FMLA-protected.

Certification of Serious Health Conditions: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the covered family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three full consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment. Employees requesting leave due to their own serious health condition or to care for a family member suffering from a serious health condition must provide the College with written certification from

a health care provider every 30 days or upon the expiration of a previous certification, whichever is later. Such documentation must include, among other information, the nature and the anticipated duration of the need for leave, a statement that the condition in question constitutes a serious health condition, and in the case of leave to care for a family member, that the employee's presence is necessary for the physical or psychological care or comfort for the family member. Failure to provide the certification required by the College in a timely manner (within 15 days of an initial request or upon the expiration of prior certification) may result in the delay or denial of leave, denial of benefits or salary supplement, denial of reinstatement, and/or termination of employment for unauthorized absence. Health Care Provider Certification Forms are available from Human Resources. The College reserves the right to require employees (and/or their family members suffering from serious health conditions) to submit medical certification, or, at its expense, to obtain second or third medical opinions, in order to determine the necessity of leave and/or eligibility for paid time off.

Use of Paid Time Off/Pay During Leave: Employees may be entitled to be paid for family/medical leave under certain circumstances. During family leaves, employees may choose to use any paid time off to which they are entitled (including but not limited to accrued vacation, personal time, optional, free and comp time), except sick time. For family leaves to care for sick family members, employees may also choose to use up to two days of sick time. Employees on medical leave may be entitled to short-term disability benefits, or workers' compensation benefits, together with salary supplementation. Unless receiving workers' compensation benefits, employees must use any and all accrued sick time and may choose to use other paid time off to which they are entitled during medical leave. Use of paid time off will not extend the length of any leave, but shall only serve as income for employees during leave.

Other Employment During Leave: Employees who are working elsewhere, or who are considering working elsewhere, during their leave must notify Human Resources to allow the College to determine whether such employment is inconsistent with their need for leave or otherwise represents a conflict of interest.

Maintenance of Benefits: Taking leave will not result in the loss of any employment benefit that accrued prior to the start of the leave. As long as employees continue to make their normal premium contributions, if any, the College will continue to maintain coverage under its medical plan (including dental and prescription) for up to 12 weeks of FMLA leave. (Depending upon the circumstances, full-time employees may, after exhausting all sick time, be entitled to continued medical benefits for a period of one year.) Thereafter, employees may continue such coverage, at their own expense, through the provisions of COBRA. Employees who do not make timely required premium payments risk having their benefits cancelled. Further, the College reserves the right to seek reimbursement of health benefit premiums paid for employees who fail to return from their leave for a reason other than their own serious health condition or other situation beyond their control.

Reinstatement: Employees on leave must give at least two business days' notice of their intended return to work date. After up to 12 weeks of FMLA leave, the College will reinstate employees to their same or an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment. Employees on medical leave who are permitted to remain on the leave past 12 weeks may or may not be reinstated, depending upon the circumstances. Employees who would have been affected by a reduction in force, or otherwise subjected to termination of employment had they not taken leave, are not entitled to reinstatement. Upon return to work, employees who took leave due to their own serious health condition must submit a medical certification stating that they are able to perform the essential functions of their position

with or without reasonable accommodation. Employees who do not return to work upon their scheduled return, or who have not received an approved extension of leave, will be considered to have voluntarily resigned from their employment.

Extensions of Leave: Prior to the expiration of their medical leave, employees needing additional time off must request such leave from the College in writing, and with any appropriate supporting documentation, including the reason for continued leave, specific dates requested, and other relevant information requested by the College. Depending on the circumstances, the College will grant or deny such leaves in its sole discretion. Extended leaves will not be granted where such leaves would result in undue hardship to the College's operations. In situations where the College allows employees to remain on leave past their entitlement, such employees are no longer guaranteed reinstatement to their same or an equivalent position, but may be so reinstated, or, in the sole discretion of the College, be reinstated to another available position for which they are qualified. Failure to comply with this policy may result in termination of employment for unauthorized absence.

Employee Rights: It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer to enforce such rights.

Employees contemplating taking family/medical leave or who have concerns about leave issues are encouraged to contact Human Resources for further information regarding their rights, obligations and the applicable procedural requirements.

Note: This policy is intended to comply with the federal Family and Medical Leave Act, and shall be construed in all cases consistent with applicable statutory requirements. The College reserves the right to amend any portion of this policy at its sole discretion, and to apply all provisions and defenses set forth in applicable law, whether or not specifically set forth in this policy. This policy supersedes all prior policies regarding family/medical leave, and does not create a contractual commitment of any kind.