PURPOSE

The Family and Medical Leave Act (FMLA) is a federal law that guarantees eligible employees of covered employers to take up to 12 workweeks of job-protected leave for specified family and medical reasons. Westminster College is considered a covered employer; this policy outlines the internal guidelines and procedures the college follows to comply with FMLA.

This policy applies to all employees. The Human Resources Department is responsible for administering this policy.

POLICY

Westminster College grants eligible employees up to 12 weeks leave under FMLA, or up to 26 weeks for military caregiver leave, during a 12-month period. The 12-month period is measured forward from the first date an employee takes FMLA leave.

Up to 12 weeks of leave under FMLA will be paid at the employee’s regular rate of pay (refer to the TIME REPORTING AND BENEFITS section below). Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

ELIGIBILITY REQUIREMENTS

Employees are eligible for FMLA if they have been employed with the college for at least one year, and have also met the following requirement:

- Staff who have worked at least 1,250 hours over the previous 12 months
- Faculty with contract(s) of at least 19 load hours or equivalent over the previous 12 months

BASIC LEAVE ENTITLEMENT

Under FMLA, Westminster College is required to provide up to 12 weeks of job-protected leave to eligible employees for absences of more than 3 consecutive workdays for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement of adoption or foster care (within 12 months after birth or placement);
- To care for the employee’s spouse, child, or parent, who has a serious health condition; or
- A serious health condition that makes the employee unable to perform the employee’s job.
HUMAN RESOURCES DEPARTMENT | POLICY DOCUMENT

MILITARY FAMILY LEAVE ENTITLEMENTS

QUALIFYING EXIGENCY LEAVE
Eligible employees who are the spouse, child, or parent of a military member on covered active duty or that has an impeding call to covered active duty status may take up to 12 weeks of FMLA leave during a 12-month period to address certain common issues that arise when a military member is deployed.

MILITARY CAREGIVER LEAVE
Eligible employees are entitled to up to 26 weeks of FMLA leave during a 12-month period to care for a spouse, child, parent, or next of kin that is an active duty member of the Armed Forces, 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 incurred or aggravated in the line of duty on active duty.

PROCEDURES

TIME REPORTING AND BENEFITS
Medically necessary absences of up to 5 work days (consecutive or intermittent) will be handled according to leave time practices as detailed in the Staff Handbook or Faculty Manual, as applicable.) For qualifying absences beyond 5 workdays, the employee will be placed on paid FMLA.

If an employee experiences multiple qualifying conditions within the same 12-month period, they will use accrued sick and/or vacation time to cover the first 5 days of each occurrence.

All employer-sponsored benefits will continue for the duration of the approved leave under this policy.

EMPLOYEE RESPONSIBILITIES
1. Employees must provide 30 days advance notice of the need to take FMLA leave to their supervisor or dean and to a Human Resource representative when the need is foreseeable.
   • If 30 days notice is not possible, the employee must provide notice to their supervisor or dean and to a Human Resource representative as soon as practicable and generally must comply with the college’s usual and customary notice and procedural requirements for requesting leave.

2. Employees must provide sufficient information for the college to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
   • Sufficient information may include that the employee is unable to perform job functions, the 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.
Medical Leave: The college requires certification for the employee’s or family member’s serious health condition using the DOL Certification of Health Care Provider for Employee’s Serious Health Condition or the DOL Certification of Health Care Provider for Family Member’s Serious Health Condition. The college has the right to ask for a second opinion and may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

Military Leave: The college requires certification of the qualifying exigency for military family leave using the DOL Certification of Qualifying Exigency for Military Family Leave. The college requires certification of a military caregiver leave using the DOL Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.

SUPERVISOR/DEAN RESPONSIBILITIES
Supervisors and deans must notify the Human Resources department in writing of an employee’s medically necessary absence expected to exceed 3 consecutive workdays.

COLLEGE RESPONSIBILITIES
Westminster College must inform employees requesting leave whether they are eligible under FMLA. Within five business days after the employee has submitted the appropriate certification form, an HR representative will complete and provide the employee with a written response to the employee’s request for FMLA leave using the DOL Designation Notice.

EMPLOYEE STATUS AFTER LEAVE
An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms; use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.
TERMS USED IN POLICY

Definition of Serious Health Condition
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 qualified family member from participating in school or other daily activities.

FMLA Military Family Leave Terms

Qualifying Exigencies
Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

The qualifying exigency may be one of the following:

- short-notice deployment
- military events and activities
- child care and school activities
- financial and legal arrangements
- counseling
- rest and recuperation
- post-deployment activities

A covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty, or a serious injury or illness that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty, that may render the servicemember medically unfit to perform their duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

Covered active duty for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment to a foreign country under a call or order to active duty in a contingency operation.