

Saint Joseph's College Policy Guidebook

Human Resources

Section Name: Time Away From Work

Section Number: 9.05

Effective Date: 7/1/2020

SUBJECT: Family and Medical Leave

Purpose:

The Family and Medical Leave Act (FMLA) legally entitles eligible faculty and staff to take time off up to a maximum of 12 work weeks during any rolling 12-month period.

If you are taking a leave to care for a covered military service family member with a serious injury or illness, FMLA grants up to 26 weeks of unpaid leave in a single 12-month period.

Applicable to:

Employees who have 12 months of service and have worked at least 1250 hours during the current or preceding FMLA year at Saint Joseph's College are entitled to up to 12 weeks of Family and Medical Leave under provisions of the Federal Family and Medical Leave Act.

Policy:

The Family and Medical Leave Act (FMLA) legally entitles eligible employees to take time off for one or more of the following reasons:

- A. for the birth and care of a newborn child of the employee;
- B. for placement with the employee of a son or daughter for adoption or foster care;
- C. to care for a spouse, son, daughter, or parent with a serious health condition;
- D. to take medical leave when the employee is unable to work because of a serious health condition;
- E. for qualifying circumstances 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;
- F. a covered employer also must 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 injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

Spouses employed by the same employer are limited in the amount of Family and Medical Leave they may take for the birth and care of a newborn child, placement of a

child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service family member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

Procedure:

Requesting a Leave

Employee's seeking a Family and Medical Leave must request a leave in writing to the Human Resources Office. FMLA is a rolling 12 month period, measured backward from the initial date of any FMLA usage.

An employee receives an FMLA packet that includes the request form, HIPPA release form, Certification of Health Care Provider, Fitness for Duty form, the employee's job description, the FMLA policy, a US Department of Labor fact sheet and a help sheet.

An employee will complete the request form and submit it to their immediate supervisor for approval as soon as possible. Employees should make every effort to request a leave of absence with as much notice as possible.

Within five (5) days of receipt of an FMLA request, Human Resources will verify if the employee meets eligibility requirements for an FMLA leave. If so, the leave will be conditionally approved, pending receipt of the Certification of Health Care Provider.

An employee has 15 days to return the Certification of Health Care Provider form to Human Resources. If the medical certification provided is insufficient, the employee is notified in writing and will be granted 7 days to obtain additional information. Once the employee returns the Certification of Health Care Provider form to Human Resources, the final approval or denial will be communicated to the employee in writing.

Family and Medical Leave is intended to allow an employee to focus on and care for themselves and/or a qualified family member during a specific timeframe. In order to support this time away, the College will temporarily suspend email and systems access and retain any technology devices onsite, i.e. laptop, mobile devices, etc. If an employee has a cell phone subsidy due to work requirements, the subsidy will be temporarily suspended until the employee is approved to return to work.

Employees must inform Human Resources if their approved leave period changes. If the employee has not exhausted the full 12 weeks of FMLA leave and needs to request additional leave, a medical recertification will be required.

Intermittent Leave

Under some circumstances, employees may take FMLA leave intermittently - taking leave in separate blocks of time for a single qualifying reason - or on a reduced leave

schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to disrupt the College’s operation.

The completion of a Fitness for Duty Certification may be required once every 30 days for an employee taking an intermittent leave.

Pay During Leave

Saint Joseph’s College provides paid long-term illness and earned time, in accordance with the terms outlined in said policies. When starting FMLA leave, employees are required to take any paid leave for which they are eligible. Employees are paid first through their Long Term Illness (LTI) bank while they are on an approved leave until that balance is exhausted. Additional weeks are paid through the earned time bank. Once paid leave is exhausted, the employee goes on unpaid leave. Paid and unpaid leave both count toward the 12-week limit.

Any non-worked hours associated with a FMLA leave will be recorded within the ADP Workforce Now payroll system with the code LTI.

Tracking FMLA hours

For employees on full leave, all leave hours are communicated to Payroll and Human Resources by the appropriate supervisor each pay-period.

For employees on intermittent leave:

- **Non-exempt/hourly employees** clock worked hours following their normal clocking process in the ADP Workforce Now system. Unworked FMLA hours are communicated to Payroll and Human Resources by the appropriate supervisor each pay-period for pay and tracking of FMLA hours.
- **Exempt/Salary employees** complete a paper timesheet noting all worked and unworked FMLA hours. This timesheet is submitted to their supervisor for approval. It is then forwarded to Payroll and Human Resources for pay and tracking of FMLA hours.

Benefits During Leave

Healthcare benefits will continue during leave. Employees on FMLA are not charged more than other employees for health insurance premiums, but are responsible to pay their share of premiums during leave. Earned time and long-term illness benefits shall not accrue on FMLA hours. Employees are eligible for holiday pay during a FMLA leave.

Key Employees

Although higher-paid employees (generally those in the top 10 percent of pay) are eligible for FMLA leave, the College reserves the right under the law to deny reinstatement to key employees if doing so would cause substantial and grievous economic injury. Employees whose job restoration is likely to be denied will be so

informed when they request leave. If the judgment that reinstatement would cause the business economic injury is made after leave commences, the key employee will be informed in a timely manner and given a reasonable opportunity to return to work at that time. Decisions are made on a case-by-case basis and must take into account the impact on business operations by the absence of a key employee.

Taking More Than 12 Weeks of Leave

Unless state law requires otherwise, employees who fail to return to work after exhausting their 12 weeks of FMLA leave may be subject to discharge. Decisions will be made on a case-by-case basis.

Extensions

Employees, who because of disability, remain temporarily unable to perform their jobs after exhausting FMLA leave may request extensions of leave beyond the 12-week limit. Any extensions must have the written approval of both Human Resources and the employee's immediate supervisor. In accordance with the Americans with Disabilities Act, if an employee requests additional FMLA leave because of a disability, the request will be considered if granting the extra leave will not cause the College undue hardship.

Returning from a Leave

Employees returning from leave will be restored to their former jobs, pay and benefits, wherever practicable. If the employee's former job is not available, the employee will be restored to an equivalent position for which the employee is qualified. Saint Joseph's College reserves the right not to restore an employee if this would cause the College undue hardship.

When the employee is ready to return from FMLA leave for their own serious health condition, he or she must provide a Fitness for Duty certification form to Human Resources before work commences. The Fitness for Duty certification and job description must be given to their health care provider to make an appropriate return to work plan.

If an employee has been on a leave to care for a spouse, child, or parent with a serious health condition, for qualifying exigencies from the employee's spouse, child, or parent due to active duty or to care for a service member with a serious illness or injury, a fitness for duty certification is not required.