

- The service project undertaken during the leave should be sponsored by a recognized (IRS 501 (c) 3) service organization (such as Brethren Disaster relief, Habitat for Humanity, Red Cross, Salvation Army, etc.).
- Employees must have prior approval from their supervisor and department head, and must arrange with the supervisor for the employee's work assignment to be covered while the employee is on leave. While supervisors are encouraged to make reasonable accommodations for the employee to participate in the leave, no more than one employee at a time usually will be eligible for leave within the same department.
- Employees are encouraged to arrange the leave for periods when the work requirements of the respective unit are not in high demand.
- An application for the leave must be submitted to the Human Resources Office, following a form provided by this Office. Applications will be approved on a first-come basis. Generally, applications must be received at least thirty (30) days prior to the start of the proposed service leave. Upon receipt of the application review will take place within ten (10) working days.
- Preference will be given to those opportunities where employees will work side-by-side with students from the College.

*An employee who is granted a service leave is ineligible to re-apply for a period of three (3) years.*

## **Family And Medical Leave**

Employees who have been employed by the College for at least 12 months, who have completed at least 1250 hours of service during the 12-month period immediately preceding the commencement of the leave, are eligible for an unpaid family and/or medical leave pursuant to this policy. All employees are required to use sick leave, then vacation and personal time as part of a family or medical leave of absence. Eligible employees are entitled to a total of up to 12 work weeks during any 12-month period in the following situations:

### **Reasons for taking leave:**

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, dependent, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his/her job; or
- For any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, child, or parent of the employee 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.

Employees who are taking FMLA to care for a spouse, child, parent, or next of kin who is recovering from a serious injury or illness sustained in the line of duty on active duty in the Armed Forces are entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. Eligible employees are entitled to a combined total of 26 weeks of all types of FMLA leave. *EFFECTIVE 1/28/08*

A **dependent** is defined by the IRS as a birth child, stepchild, legally adopted child, or foster child in your care who lives with you and whom you support financially for more than six months out of the year. A dependent must be under the age of 19 or be 26 or younger and enrolled as a full-time student. A dependent can also be over the age of 18, if incapable of self-care because of a mental or physical disability. See the IRS website for specific details.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care and any corresponding period of incapacity or subsequent treatment, or (2) continuing treatment by a health care provider. Continuing treatment may be established under any one of the following sets of circumstances:

1. A period of incapacity that lasts more than three consecutive full calendar days and involves a certain level of treatment (treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing supervised treatment, including a course of prescription medication or therapy requiring special equipment). The treatment must involve an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within 7 days of the first day of incapacity;
2. Any period of incapacity due to pregnancy, or for prenatal care;
3. Any period of incapacity due to a chronic serious health condition (such as asthma, diabetes, or epilepsy);
4. Permanent or long-term incapacity due to a condition for which treatment may be ineffective if there is continuing supervision by a health care provider (such as for Alzheimer's, severe stroke, or the terminal stages of disease); or
5. Any period of absence to receive multiple treatments either for restorative surgery after an accident or other injury or for a condition likely to result in incapacity of more than three full days absent medical intervention (such as radiation or chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Periods of incapacity due to pregnancy or chronic serious health conditions are not subject to a three-day minimum duration or to any requirement that treatment be received. Generally, treatment that includes taking over-the-counter medications or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment.

Substance abuse may qualify as a serious health condition. Leave is available for the treatment of substance abuse, but absence due to an employee's use of the substance does not qualify for FMLA leave. An employer retains the right to terminate an employee under an established substance abuse policy.

Without complications, the common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease ordinarily are not serious health conditions. Allergies or mental illness resulting from stress may be serious health conditions if all other conditions are met.

Health insurance will be maintained for any eligible employee on a family or medical leave under this policy on the same terms as would apply if the employee were not on FMLA. Employees who fail to return to work upon completion of a family or medical leave will forfeit their right to employment at the College.

In cases where the College employs both spouses, family leave may be limited to a combined total of 12 weeks between them.

Eligible employees are limited to a total of 12 work weeks of leave during a 12-month period, with the exception of the military leave act adopted January 28, 2008, which entitles employees to a total of 26 weeks during a 12-month period to care for a servicemember. The College will calculate this 12-month period by

measuring backward from the date an employee uses FMLA leave (i.e. leave is limited to the balance of 12 weeks not used during the past 12 months).

FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member or because the employee is seriously ill and unable to work. Employees may take FMLA leave intermittently in five-minute increments. If FMLA is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the College's approval.

The Human Resources department is responsible for designating leave as FMLA once we learn of the absence/issue. An employee who can anticipate the need for a family or medical leave of absence must provide Human Resources with at least 30 days notice if practicable or as early as possible thereafter. Employees requesting leave for treatment of a serious health condition must make reasonable efforts to schedule the treatment so as to not disrupt the College's operations.

Employees who are on leave pursuant to this policy shall be restored to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Highly salaried "key" employees may have limited reinstatement rights. Any "key" employees shall be notified of their specific rights and obligations prior to beginning family or medical leave.

An employee using medical leave for personal or family care under this policy must submit a certification by his or her health care provider regarding the need for such leave. Certification forms will be provided by Human Resources. Employees will have 15 days to return the certification forms. The College reserves the right to require second and third opinions at the College's expense relating to an employee's medical certification. Any employee returning to work from a personal medical leave shall be required to submit a fitness-for-duty certification from his/her health care provider stating that he or she is able to resume work. The College also reserves the right to require an employee on family or medical leave to report periodically on his/her status and intent to return to work. While an employee is on leave, he/she must maintain contact with his/her supervisor and/or Human Resources.

This policy shall be administered in a manner consistent with the terms of the Family and Medical Leave Act of 1993. The College reserves the right to impose any conditions or limitations upon any leave of absence as may be deemed consistent with the provisions of the Act. Any questions concerning this policy may be directed to Human Resources. *This is not a comprehensive discussion on your rights under CFR Title 29, Part 825 (Family & Medical Leave Act).*

## **Leave of Absence**

An employee, who wishes to take a leave of absence, must provide his/her immediate supervisor and Human Resources with adequate notice requesting leave approval. You must have been employed by the College for a minimum of one year in order to be eligible for a leave of absence. All personal leaves of absence are unpaid. Approved leaves of absence will not extend beyond one year. The College has complete discretion regarding whether to grant an employee a leave of absence.

An employee's length of service will continue to accrue during a leave of absence; however, vacation and sick leave are not accumulated during the leave of absence. Benefits for approved leaves will be the responsibility of the employee (e.g. to pay the full premium(s) for health insurance). Tuition Remission is not extended to an employee during the time of leave, with the exception of an employee taking an educational leave. Employees may continue to contribute their share to their retirement by sending a personal check directly