

FAMILY AND MEDICAL LEAVE ACT (FMLA)

As required by the Family and Medical Leave Act (FMLA), the College will provide covered employees up to 12 weeks of unpaid job-protected leave for certain family, medical and military reasons. Up to 26 weeks of leave is available for situations involving a covered family member's service in the Armed Forces. Employees who have worked for the College for at least 12 months and for 1,250 hours over the previous 12 months of employment are eligible.

How to Request Leave

Requests for family care, military exigency, military caregiver, and medical leave must be approved in advance by your supervisor and the Human Resources Office. Employees must provide Wabash College with at least 30 days advance notice before the leave is to begin. If the need for leave is not foreseeable, and 30 days' notice is not possible, notice must be given on the same day that the employee learns of the need for leave, or the next business day, unless circumstances make this impracticable. Leave requests should be made in writing and must set forth the reasons for the requested leave, the anticipated start date of the leave, and the anticipated duration of the leave. Please print and complete the FMLA leave request form, located on the [Human Resources website](#).

Except in cases of child placement after adoption or foster care, a Certification of Health Care Provider form is also required. Employees requesting Military Exigency Leave must submit certification of the qualifying exigency. Please contact the Human Resources Office to obtain the appropriate Certification form. In most cases, a "doctor's note" will not be accepted as appropriate medical certification. Employees will be required, unless the College waives the requirement, to recertify the need for Employee Medical or Family Medical Leave at least every 30 days and must report on a periodic basis no less often than every two (2) weeks with respect to their progress or the progress of their parent, spouse, or child, and their anticipated date for return to work.

All time off work which meets the definitions under FMLA will be charged against the yearly FMLA allowance.

It may be necessary for the College to contact an employee regarding her/his leave while on leave. If the employee cannot be reached at her/his home or cell phone number that is on file with the College for the duration of the leave, and the leave is in excess of five (5) working days, the employee must provide contact information (phone and address).

When on medical leave, employees may not engage in conduct that is inconsistent with the need for such leave. Employees on medical leave will not perform any paid work for another employer or any paid self-employment work during a medical leave without the prior approval of the appropriate senior staff member and/or the Director of Human Resources.

Reasons for Leave

An employee may request FMLA leave for the following reasons:

1. **Parenting Leave.** This type of leave can be taken by an employee to care for a new son or daughter, including by birth or by adoption or foster care placement. FMLA Parental Leave runs concurrently with the College's parental leave benefit and short-term disability benefit when applicable (see section 2.9).
2. **Family Medical Leave.** This type of leave can be taken by an employee to care for the "serious health condition" of the employee's spouse, child, or parent.
3. **Employee Medical Leave.** The employee for his or her own "serious health condition can take this type of leave" if the condition renders the employee unable to perform his or her job functions. In some cases, the Family Medical Leave may run consecutively with the College's Parental Leave Benefit. Consult with the Director of Human Resources.
4. **Military Exigency Leave.** This leave is for a qualifying exigency arising from the fact that the employee's spouse, son or daughter, or parent is on or has been called to covered active duty in the U.S. Armed Forces. Qualifying exigencies include making arrangements necessitated by short-term deployments; attending certain military events and related activities; assisting the service member with alternative child care arrangements when the active duty or call to active duty status necessitates a change in the existing arrangements; assisting the service member with certain financial and legal arrangements related to active duty or the call to active duty; attending counseling arising from covered active duty or the call to covered active duty; spending time with the military member who is on short-term, temporary rest and recuperation leave; and caring for a military member's parent when the parent is incapable of self-care.
5. **Military Caregiver Leave.** This leave is to care for the employee's spouse, child, or parent who is a covered servicemember with a serious illness or injury incurred or aggravated in the line of active duty on active duty. Also, this leave may be taken by an employee who is the next of kin of a covered servicemember.

The FMLA and its interpretive regulations define terms and establish rules for each of these types of leave. For example, an employee may only take Parenting Leave during the 12-month period that begins on the date of birth, adoption, or placement. In addition, for purposes of Family Medical Leave, a "parent" means an employee's biological parent or an individual who stood in the place of the employee's parent when the employee was a child. The term "parent" does not include parents-in-law. "Son or daughter" means a biological, adopted, or foster child; a stepchild or legal ward of an employee; or a child for whom the employee stands in the place of his or her parent, who is either under age 18 or is over age 18 and incapable of self-care because of a mental or physical disability.

Duration of Leave

An eligible employee is entitled to a total of 12 work weeks of leave (based on the employee's normal hours per week) during a 12-month period. A 12-month period for purposes of FMLA leave is a "rolling" 12-month period measured backward for each employee from the date he or she uses FMLA leave other than Military Caregiver Leave.

For Military Caregiver Leave, eligible employees are entitled to up to 26 workweeks of leave in a single 12-month period. For purposes of Military Caregiver Leave only, the "single 12-month period" is the 12-month period measured forward from the first date of Military Caregiver Leave.

A special rule applies where a husband and wife are both eligible employees of the Employer. In that situation, the husband and wife will be permitted to take only (1) a combined total of 12 weeks of FMLA leave during a 12-month period, if the leave taken is a Parenting Leave or a Family Medical Leave to care for a parent with a serious health condition or (2) a combined total of 26 weeks in a single 12-month period for Military Caregiver Leave.

Substitution of Paid Leave

Generally, FMLA leave is unpaid. If, however, an employee also has accrued paid leave of other types from the College, and if the employee's leave request meets the requirements of that paid leave program, the employee will receive paid leave benefits at the same time as he or she is receiving FMLA leave benefits. Similarly, if an employee properly requests leave available under a paid leave program for a purpose that is also covered by FMLA leave, the employee will receive FMLA leave benefits at the same time as paid leave benefits. The College will "substitute" that paid leave for FMLA leave by counting the paid leave toward FMLA leave entitlement, in accordance with the following chart:

<u>Types of Paid Leave</u>	<u>Substitution For</u>		
	<u>Parenting Leave</u>	<u>FMLA</u>	<u>Employee Medical Leave</u>
1 Sick Leave	No	No	Yes
2 Short-term Disability Benefits	No	No	Yes
3 Personal Leave	Yes	Yes	Yes
4 Vacation	Yes	Yes	Yes

An employee will be notified about the substitution of paid leave as soon as practicable after he or she requests FMLA leave.

Intermittent or Reduced Schedule Leave

An employee, under certain circumstances, may take intermittent or reduced scheduled leave in increments of no less than one-tenth of an hour. "Intermittent leave" generally means leave taken on an occasional basis for such reasons as medical treatments. "Reduced schedule leave" means a temporary, but regular, change in the employee's usual number of hours per-day or hours per-week. If an employee takes a Parenting Leave, the employee is not entitled to take leave intermittently or on a reduced schedule. For Family Medical, Employee Medical, or Military Caregiver Leave, the employee may take an intermittent or reduced schedule leave if it is medically

necessary. An employee must provide to the College certification that a medical need for leave exists and that the medical need can best be accommodated through an intermittent or reduced schedule their leave. Military Exigency Leave may also be taken on an intermittent or reduced schedule basis. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the College's operations. In addition, if an employee requests intermittent or reduced schedule leave, the College may require the employee to transfer temporarily to an available alternative position, with equivalent pay and benefits, for which the employee is qualified and which better accommodates intermittent or reduced schedule leaves.

Upon the conclusion of an Employee Medical Leave, the employee must present certification to the College from his or her health care provider that he or she is able to return to work. Unless and until an employee provides this fitness-for-duty certification, the employee will not be able to return to work.

Continuation of Benefits

As a general rule, FMLA leave is unpaid leave. The College, however, will maintain an employee's coverage under the Wabash College Group Insurance and Short-Term Disability Plans on the same conditions during FMLA leave period. An employee may choose not to continue coverage. An employee who continues health coverage must continue to pay his or her share of the premiums during FMLA leave period to maintain coverage. An employee's premium payment is due on the date agreed to by the employee and the College, which may include increased payroll deductions prior to leave.