



## **FEDERAL FAMILY AND MEDICAL LEAVE POLICY**

Approved January 2009

The Family and Medical Leave Act (FMLA) applies to employers where 50 or more employees are employed at a worksite within a 75-mile radius.

Reasons for FMLA: Employees who have worked for Centenary University for (a) at least 12 months and (b) who have worked at least 1,250 hours during the prior 12 months may be eligible for an unpaid leave for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. A qualifying exigency arising out of the employee's spouse, child or parent's active duty or call to active duty in the Armed Forces in support of a contingency operation (a contingency operation is an action or operation against an opposing military force) ; or
6. Care of the employee's spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the spouse, child, parent, or next of kin medically unfit to perform duties of his/her office, grade, rank or rating ("Caregiver Leave").

An eligible employee is eligible for up to 12 weeks of unpaid FMLA leave in a 12 month period for reasons 1-5 above. An eligible employee may take up to 26 weeks of unpaid FMLA leave during a single 12 month period to care for an injured or ill servicemember ("Caregiver Leave"). Caregiver Leave, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12 month period.



Calculation of Amount of FMLA Leave: Any FMLA leave taken by an employee during the preceding 12 month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act for reasons 1-5 above.

For FMLA Caregiver Leave, the leave entitlement begins when the employee starts using his/her leave.

Birth, Care or Placement of Child: The right to FMLA leave for the birth, care and/or placement of a child into an employee's family may only be taken within the 12 months after the date of the birth or placement of the child. In the case of unpaid leave for the birth, care or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and Centenary University agree.

Spouses Working for Centenary University: If both spouses are employed by Centenary University, the combined leave for either birth, care and/or placement of a child, to care for the employee's parent with a serious health condition, or due to a family member's call to active duty shall not exceed 12 weeks. The combined leave for spouses working for Centenary University is limited to 26 weeks for Caregiver Leave, or when Caregiver Leave is taken in combination with leave for either birth, care and/or placement of a child, to care for the employee's parent, or due to a family member's call to active duty.

Caregiver Leave: For purposes of Caregiver Leave, next of kin is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority:

1. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions.
2. Brothers and sisters.
3. Grandparents.
4. Aunts and uncles.
5. First cousins.

If the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Caregiver Leave, that family member will be deemed next of kin. In such circumstances, only that designated next of kin may take FMLA leave to care for the covered servicemember. When a covered servicemember does not make such a designation, and there are multiple family members with the same level or relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin.



Centenary University will require an employee to provide reasonable documentation of the family relationship.

Intermittent Leave: In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. FMLA leave may also be taken intermittently or on a reduced hours basis for reasons relating to a family member's Armed Forces active duty or when an employee needs to care for a family member who has incurred an injury or illness while on active duty. Where an employee requests intermittent leave or leave on a reduced hours schedule that is foreseeable based on the planned medical treatment Centenary University has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Paid Leave and FMLA Leave: Employees may substitute accrued paid leave, i.e. sick and vacation time, during the unpaid FMLA leave period. Employees may be eligible to receive short term disability or workers' compensation benefits during their FMLA leave. That portion of the FMLA leave of absence which is vacation time and/or sick days will be with pay according to Centenary University policies regarding vacation time and sick days. Employees who are ineligible for sick or vacation time may be eligible for unpaid FMLA leave.

Notification by Employee: When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Human Resources Department at least 30 days notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than 30 days from the date of notice to the Human Resources Department, the employee must provide such notice as soon as practical.

Where the need for leave is for reasons relating to a family member's Armed Forces active duty and such leave is foreseeable, the employee must give notice as soon as is reasonable and practicable. The Human Resources Department may require that the employee provide a copy of the family member's active duty orders or other reasonable documentation.

Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

1. Give at least 30 days notice, or as soon as practical if treatment starts in less than 30 days; and
2. In consultation with the employee's immediate supervisor and the Human Resources Department, make a reasonable effort to schedule the treatment so as not to unduly disrupt the work, subject to the approval of the health care provider.

Where the need for leave is unforeseeable, employees are required to follow their Department's established call-in procedures for calling in absences. Employees failing to give such



notice will normally have their FMLA leave delayed or denied. When an employee seeks leave due to an FMLA-qualifying reason for which the Human Resources Department has previously provided FMLA leave, the employee must specifically reference the FMLA qualifying reason when notifying Centenary University.

Any leave request based on a family member's, including a covered service member, or employee's own serious health condition must be supported by certification from a health care provider. The employee must provide a completed certification to the Human Resources Department in a timely manner. (Fifteen calendar days will be allowed to provide the certification.) All appropriate information must be provided on the Centenary University health care certification form. Failure to provide the certification in a timely manner will result in denial of the leave until the certification is provided. The Human Resources Department will notify the employee if the certification form is incomplete and the employee will be given seven calendar days to correct the deficiency.

Once the Human Resources Department has sufficient information to determine whether the leave is being taken for an FMLA-qualifying reason, it will provide the employee with a Designation Notice advising the employee whether the leave qualifies for FMLA leave. If the employee is not eligible for FMLA leave, the employee shall be informed of that fact.

If an employee files for disability or workers' compensation benefits, the employee must comply with the certification requirements of the disability or workers' compensation benefit plan. Employees who fail to meet the disability or workers' compensation certification requirements may not be eligible for those benefits. The employee may still be eligible for FMLA leave, provided the FMLA requirements have been satisfied. **Qualifying Exigency Certification:** Each time an employee first requests leave for one of the qualifying exigencies, certification by the employee is required. The certification process will include, but may not be limited to, providing a copy of the covered military member's active duty orders or other military documentation showing active duty status or notification of an impending call to active duty.

**Employee Benefits:** During paid FMLA leaves of absence, Centenary University will continue to pay its portion of the health insurance premiums and the employee must continue to pay his or her share of the premium through payroll deduction. During unpaid FMLA leaves of absence, the employee must pay for his or her share of the premium by sending a check or money order, made payable to Centenary University, to the Human Resources Department. Failure of the employee to pay his or her share of the health insurance premium, as applicable, may result in loss of coverage. If the employee fails to timely pay the employee's share of health insurance premium, the employee will have a grace period of 30 days. At least 15 days before the expiration of the grace period, the Human Resources Department will mail a written notice to the employee informing the employee of the date the insurance will expire if the employee's share of the premium is not paid. If the employee does not return to work after the expiration of the leave, the employee may be required to reimburse Centenary University for payments of the health insurance premiums during the FMLA leave, unless the employee does not return because of the presence of a serious health condition of



the employee or the employee's family member, or circumstances beyond the control of the employee.

Accrual of Employment Benefits: During the leave, if an employee substitutes paid leave time for unpaid time, the employee shall accrue employment benefits such as vacation time or sick time on the same basis as other employees on paid leave. Otherwise, employment benefits shall not accrue. Employment benefits accrued by the employee up to the day on which the FMLA leave of absence begins will not be lost.

Employee's Reporting Requirements: Centenary University may require an employee on FMLA leave to report periodically his or her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. The Human Resources Department will notify the employee in writing of its initial requirement for medical certification. The Human Resources Department will advise the employee of its need for additional medical certification in writing. If the Human Resources Department receives a complete medical certification, it will limit its inquiries to the health care provider for clarification and authenticity. If the employee is covered by short term disability or workers' compensation, the Human Resources Department will follow short term disability or workers' compensation procedures.

An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to his or her return from FMLA leave. Such certification must assess the employee's ability to return to work and perform the essential functions of the job as identified in writing by Centenary University.

Restoration of Employees Returning From FMLA Leave: Employees who return to work from FMLA leave of absence within or on the business day following the expiration of the approved FMLA leave are entitled to return to their job or an equivalent position without loss of benefits or pay in accordance with the FMLA.

FMLA Leave Procedure: Applications for FMLA leave of absence must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least 30 days before the leave is to commence or as soon as possible if 30 days notice is not possible. Appropriate forms should be submitted to the Human Resources Department to initiate a FMLA leave and to return the employee to active status.

Each employee taking leave which meets the requirements for FMLA leave will be provided with a Notice of Eligibility and Rights & Responsibilities which will inform the employee of the specific expectation and obligations of the employee. This notice will typically be provided to the employee within five business days of the start of the leave.

All medical documents, including the medical certificates, shall be maintained in the employee's separate confidential medical file. All other documents shall be maintained in the employee's personnel file. Centenary University will keep a record of all FMLA leave on its payroll records designated FMLA for every hour taken.



FMLA leave will run concurrently with all FMLA qualifying leaves, including but not limited to, workers' compensation and short-term disability.

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights.