

## MUHLENBERG COLLEGE

### Family and Medical Leave Act (FMLA) Leave Policy

1. A Muhlenberg College employee is eligible to request an unpaid FMLA leave of up to 12 weeks if he/she has been employed by the College for at least twelve (12) months and has worked at least 1250 hours during the twelve (12) month period immediately preceding the leave.
2. Subject to the requirements described in this policy, an eligible employee may request and will be granted up to twelve (12) workweeks of unpaid FMLA leave during any twelve (12) month period for any one or more of the following reasons:
  - a. the birth and care of a newborn child;
  - b. the placement of a child for adoption or foster care and care of the newly placed child in the employee's home;
  - c. the care of the employee's spouse, child, or parent with a serious health condition; or;
  - d. the employee's serious health condition which renders him/her unable to perform one or more of the essential functions of his/her position.
3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date requested leave will be used.
4. The taking of a FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; however, nothing in this policy shall entitle any employee to the accrual of any seniority or additional employment benefits during the period of the leave.
5. Unless one of the exceptions in the law applies, an employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment held with the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions.
6. At the election of the eligible employee, any group health plan will be maintained for the duration of an FMLA leave and at the level and under conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying his/her share of the premium. While on an unpaid FMLA leave, the employee will be responsible for paying this part of the premium by submitting payment to the Human Resources Office on or before each regular payday. The College may recover its share of the premiums for maintaining coverage for the employee under such group health plan during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay 30 calendar days) for reasons other than the continuation or onset of a serious health condition entitling the employee to FMLA leave or other circumstances beyond the employee's control. Certification of inability to return to work may be required.
7. As permitted by the FMLA regulations, the College may require an employee to use up to half of his/her available sick and/or vacation accumulation prior to initiation of

unpaid leave. At the employee's request, all of his/her sick and/or vacation accumulation may be used prior to unpaid leave in order to extend the paid portion of FMLA leave. Upon exhaustion of the above-described accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period as defined herein.

8. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period which starts on the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule.
9. An eligible employee who foresees that she/he will require a leave for the birth/care of a child, or for adoption or foster care placement, must notify the Human Resources Office in writing not less than thirty (30) calendar day in advance of the start date of the leave. If not foreseeable, the employee must provide as much written notice as is practicable under the circumstances, generally within two (2) working days of learning of the need for leave.
10. An eligible employee who foresees that she/he will require a leave of absence due to planned medical treatment for herself/himself or for her/his spouse, child or parent, must notify the Human Resources Office in writing as early as possible so that the absence can be scheduled at a time least disruptive to the College's operations. Such notice should be at least thirty (30) calendar days in advance of the start of leave, unless impracticable, in which case the employee must provide written notice as early as circumstances permit, generally within two (2) working days of learning of the need for leave.
11. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with the Human Resources Office in a timely manner a health care provider's statement that the employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that the employee is needed for such care.
12. If the requested leave is because of a serious health condition of the employee which renders her/him unable to perform one or more of the essential functions of her/his position, the employee may be required to file with the Human Resources Office a health care provider's statement as allowed by the FMLA.
13. Subject to the limitations and certifications allowed by the FMLA, leaves taken for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary, provided a health care provider certifies the expected duration and schedule of such leave and provided further that where such leave is foreseeable based upon planned medical treatment the employee attempt to schedule the leave so as not to disrupt operations of his/her department. The employee may be required or may elect to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

14. An employee on an approved leave under this policy must inform the Human Resources Office every thirty (30) days regarding her/his status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness-for-duty certification before returning to work.
15. In any case where there is reason to doubt the validity for the health care provider's statement or certification for leaves taken for a serious health condition, the College may, at its expense, require second and third opinions, as specified by the FMLA, to resolve the issue.

The provisions of this policy are intended to comply with the Family and Medical Leave Act of 1993, and any terms used from the FMLA will be as defined in the Act or the U.S. Department of Labor ("DOL") regulations. To the extent that this policy is ambiguous or contradicts the Act or DOL regulations, the language of the Act or regulations will prevail.