

PROCEDURE 2.30.0: FAMILY AND MEDICAL LEAVE ACT

Leave policy

Employees are eligible to take up to 12 weeks of unpaid family/medical leave or up to 26 weeks of unpaid family leave to care for an injured service member (Armed Forces, National Guard, and Reserves) within any 12-month period and be restored to the same or an equivalent position upon your return from leave provided you:

1. Have worked for Sandburg for at least 12 months
2. Have worked at least 1,250 hours in the last 12 months
3. Are employed at a worksite with 50 or more employees within a 75-mile radius.

The 12- month period is a rolling period, measured backward from the date leave is to be taken.

Reasons for leave

If you're eligible, you can take up to 12 weeks family/medical leave for any of the following reasons:

1. The birth of a son or daughter and to care for such son or daughter
2. The placement of a son or daughter with you for adoption or foster care
3. To care for a spouse, child or parent with a serious health condition
4. Because of your own serious health condition that renders you unable to perform the functions of your position
5. To handle personal affairs because of any qualifying exigency arising out of the fact that your spouse, child or parent is on covered active military duty (or has been notified of an impending call or order to covered active military duty) in a foreign country.
Qualifying exigencies include attending certain military events, arranging for alternative childcare or care for the service member's parent, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

Leave because of one of the first two reasons must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses employed by Sandburg who request leave because of one of the first two reasons can take only a combined aggregate total of 12 weeks leave for such purposes during any 12-month period.

If you're eligible, you can take up to 26 weeks leave to care for a spouse, parent, child, or an individual for whom you're the next of kin who has a serious injury or illness that was incurred

or aggravated in the line of duty while on active military duty. You can also be eligible for leave to care for a veteran, if the veteran's injury or illness was incurred or aggravated in active duty in the last five years. Leave to care for an injured or ill servicemember will begin on the first day of such leave and must be completed within 12 months from that date. Leave for an injured servicemember can be taken only once per servicemember, unless that servicemember has a subsequent injury or illness incurred in active military duty. Spouses employed by Sandburg who request injured servicemember leave can take only a combined aggregate total of 26 weeks leave for such purpose.

Any FMLA leave taken by an employee for reasons *other* than an injured or ill servicemember will reduce the 26 weeks of available leave to care for an injured servicemember. As a result, if an employee requests injured servicemember leave, the maximum leave allowed will be up to 26 weeks, less any FMLA leave already used in the same 12-month period for any other reason.

You will not be granted an FMLA leave to gain employment or work elsewhere, including self-employment. If you misrepresent facts to be granted an FMLA leave, you'll be subject to immediate termination.

Notice of leave

If your need for family/medical leave is foreseeable, you must give Sandburg at least 30 days prior written notice. Failure to provide such notice may be grounds for delay or denial of leave. Where the need for leave is not foreseeable, you're expected to notify the college as soon as learning of the need for time off, generally on the same day you learn of that need. You should also follow Sandburg's policy regarding reporting absences in advance, unless an emergency prevents you from doing so. Request for family/medical leave forms are available from Human Resources.

Medical certification

If you're requesting leave because of your own or a covered family member's serious health condition, or a covered service member's serious injury or illness, you and the relevant healthcare provider must supply appropriate medical certification. Obtain the necessary certification form from Human Resources. The medical certification must be given within 15 days after requested, or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner may result in denial or delay of leave. It's the employee's responsibility, not the healthcare provider's, to ensure Sandburg receives the fully completed medical certification by the deadline. If the college doesn't receive a fully completed certification by the deadline (unless there is a legitimate reason for the delay), or if the certification doesn't confirm an FMLA-qualifying condition, the employee's absences will be treated according to the Sandburg's attendance standards.

Leave for a serious health condition

Sandburg, at its expense, may require an examination by a second healthcare provider designated by the college. If the second healthcare provider's opinion conflicts with the original medical certification, Sandburg, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Sandburg may also require medical recertification periodically during the leave, and employees may be required to present a fitness-for-duty verification upon their return to work following a leave for the employee's own illness.

Leave for a qualifying military exigency will also be supported by appropriate certification. The nature of the certification required will depend on the reason for the leave.

Reporting while on leave

If you take leave because of your own serious health condition or to care for a covered family member, you may be required to contact your supervisor on a regular basis regarding the status of the condition and your intention to return to work. For leaves for other purposes, you may be periodically required to report on your status and intent to return to work.

Leave is unpaid

All FMLA leave is unpaid leave. If you request leave because of a birth, adoption or foster care placement of a child, to care for a covered family member with a serious health condition, to care for a covered family member who is an injured or ill servicemember, or for a qualifying military exigency, any accrued paid vacation and personal time you have must first be substituted and used for that unpaid leave. If you request leave because of your own serious health condition, any accrued paid sick, vacation, and personal time you have must first be substituted and used for that unpaid medical leave. In addition, any short-term and/or long-term disability benefits may apply as part of the 12-week leave period when the leave is requested due to your serious health condition or the birth of a child. The substitution of paid leave time for unpaid leave time does not extend the leave period beyond the 12-week or 26-week maximum allowance.

Medical and other benefits

During an approved leave, Sandburg will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid leave, Sandburg will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium during the leave. Your group healthcare coverage may cease if your premium payment is more than 30 days late. If you don't return to work at the end of the leave period, you may be required to reimburse the college for the cost of the premiums paid by Sandburg for maintaining coverage during your unpaid leave, unless you can't return to work because of a serious health condition or other circumstances beyond your control.

Exemption for key employees

Certain key employees (e.g., a salaried employee who's in the highest paid 10% of employees at a worksite or within a 75-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the college. Sandburg will notify you if you qualify as a key employee, if the college intends to deny reinstatement and of your rights in such instances.

Intermittent and reduced schedule leave

Leave for any reason other than bonding leave to spend time with a newly born or placed child may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, Sandburg will reduce your salary based on the amount of time actually worked. In addition, while you're on an intermittent- or reduced-schedule leave for foreseeable, planned medical treatment, Sandburg may temporarily transfer you to an available alternative position which better accommodates your recurring leave and that has equivalent pay and benefits.

Other applicable leaves

FMLA leave will run concurrently with any other applicable leave. For instance, short-term disability or worker's compensation leave will be simultaneously designated as FMLA leave as well, if the leave is also FMLA-qualifying.

Returning from leave

If you want to return to work at the expiration of your leave, you're entitled to return to your same position or to an equivalent position with equal pay, benefits, and other terms and conditions of employment, subject to any applicable exceptions. However, you have no greater right to reinstatement or other benefits and conditions of employment than if you'd not taken leave. You must return to work immediately after the expiration of your approved FMLA leave to be reinstated to your position or an equivalent position.

If you take leave because of your own serious health condition, you must provide medical certification that you're fit to resume work. Employees failing to provide the return-to-work medical certification won't be permitted to resume work until it's provided. Certification may be required periodically if you take intermittent leave.

Learn more about FMLA on the Department of Labor website at dol.gov/whd/regs/compliance/posters/fmlaen.pdf.

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