

ST. LAWRENCE UNIVERSITY FAMILY AND MEDICAL LEAVE POLICY

A. General Provisions

It is the policy of St. Lawrence University to grant up to 12 weeks of job protected family and medical leave during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid or a combination, depending on the circumstances of the leave, the requirements of the statute, and as specified in this policy.

Military Family Leave

It is the policy of St. Lawrence University to grant up to 12 weeks of job protected leave to eligible employees for any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call to federal active duty status in support of a contingency operation. It is also the policy of St. Lawrence University to grant up to 26 weeks of leave during a single 12 month period to care for a spouse, son, daughter, and parent or next to kin who is a covered service member with an injury or illness sustained in the line of active duty. The military family leave provision of the FMLA was enacted on January 28, 2008.

B. Eligibility

To be eligible for leave under this policy an employee must have been employed by the University for at least 12 months or 52 weeks and have worked 1,250 hours or more during the 12-month period immediately preceding the leave date.

C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child or to care for a newborn child or child placed with the employee for adoption or foster care (within 12 months of the birth or placement);
2. The care of a child, spouse, or parent with a serious health condition; or
3. The employee's own serious health condition that renders the employee unable to perform his or her job.
4. Qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or call to active duty status.
5. The care of a spouse, son or daughter, parent or next of kin who is a service member with an injury or illness sustained in the line of active duty.

A serious health condition is defined as "an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or

continuing treatment by a health care provider” 29 U.S.C. section 2611 (11) (2002); 29 C.F.R. section 825.114 (2005)

Employees with questions about what illnesses are covered under this policy are encouraged to consult with the Human Resources Department. See also the federal government’s website at <http://www.dol.gov/elaws/fmla.htm> for more information.

Eligible employees are entitled to a maximum of 12 workweeks of FMLA leave (or 26 weeks in the case of an injury or illness sustained by a service member as described in section C, item 5 above) in a 12-month period. The University will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the university will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

D. Employee Status and Benefits during Leave

While an employee is on leave, the University will continue employee health insurance benefits at the same level as if the employee were working, and the employee’s contribution will continue to be deducted from the employee’s pay to the extent the employee is receiving pay during the leave period. If an employee is not receiving pay during the leave, or such pay does not cover the employee’s full contribution, the employee must pay that contribution by the 30th day of each month to avoid termination of coverage. If an employee fails to return to work upon the expiration of the family/medical leave, the University may recover its share of the premiums paid for any period of unpaid leave subject to the restrictions of the FMLA.

E. Employee Status after Leave

Employees returning to work from a family/medical leave will be placed in their previous position or in an equivalent position with the same pay, benefits, and similar terms and conditions of employment.

F. Use of Paid and Unpaid Leave

If the employee has accrued or earned paid leave the employee must use paid leave first (as provided below) and take the remainder of the twelve weeks as unpaid leave.

Whenever practicable the University will notify the employee within five business days in writing or orally (to be confirmed in writing by no later than the employee’s next regular payday) whether or not the leave will be designated as FMLA leave.

- When FMLA is taken for any reason the employee must use as part of the leave any accrued paid personal leave, holiday leave or vacation leave prior to being eligible for unpaid leave.
- When leave is taken due to the employee’s own serious health condition, the employee must also use any accrued sick leave in conjunction with family medical leave.
- When leave is taken due to the serious health condition of a child, spouse or parent, and sick leave is otherwise available for such absences to the employee under the University’s sick leave policy, the employee must also use accrued sick leave in conjunction with the family medical leave.

- Disability leave (for example, for the birth of a child and for an employee's serious health condition) or workers' compensation leave, to the extent that it otherwise qualifies, will be designated as FMLA leave and will run concurrently with FMLA leave. For example, if an employer provides six weeks of disability leave for childbirth, the six weeks can be designated as FMLA leave and counted toward the employee's 12 week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12 week entitlement.

G. Intermittent Leave or a Reduced Work Schedule

FMLA leave may be taken in 12 consecutive weeks, used intermittently (for example, a day taken periodically when needed over the year) or under certain circumstances used to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks over a 12- month period.

An employee taking a leave on an intermittent or reduced schedule basis may be temporarily reassigned by the University to another position with equivalent pay and benefits that, in the University's judgment, better accommodates the leave.

The University and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule.

If the employee is taking intermittent leave for his/her serious health condition or the serious health condition of a family member, the employee must attempt to work out a schedule with the University which meets the employee's needs without unduly disrupting the University's operations. Intermittent leave needed in connection with the birth, adoption, or foster care of a child is only available with the University's approval.

H. Certification of the Serious Health Condition

The University reserves the right to require a written medical certification issued by a health care provider to support an employee's request for leave. Certification by an appropriate agency may be required for adoption of a child, or a child's placement for foster care. Further, the University reserves the right to require second or third medical opinions and periodic recertification as authorized by the FMLA. The University also reserves the right to require periodic reports regarding the employee's status and intent to return to work in accordance with the FMLA. Failure to provide proper certification may be grounds for denying or delaying a leave request or a return to work request.

Where the leave is due to an employee's own health condition, the University may require a fitness for duty certification prior to the employee's return to work.

I. Procedure for Requesting Leave

All employees requesting leave under this policy must provide verbal notice with and explanation of the reason(s) for the needed leave to their immediate supervisor. The employee should also submit a completed Leave Request Form to the Human Resources Office.

Where the reason for the family medical leave is foreseeable, such as for the birth or placement of a child or for planned treatment due to a serious health condition of the employee or the employee's family member, the employee must provide the University with at least 30 days advance notice. Where this is not practicable, because of a lack of knowledge of when the leave will be required, a change in circumstances, or a medical emergency, notice should be given as soon as possible. Employees must also make a reasonable effort to schedule planned medical treatment so as not to disrupt the orderly operations of the University.

If an employee fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the University may delay the granting of FMLA leave until at least 30 days after the date the employee provides notice of the need for FMLA leave.

When an employee requests leave other than family/medical leave and the University learns the reason from the employee and that reason qualifies the leave under the FMLA, the University may charge this time against the employee's 12-week family/medical leave entitlement. The designation of leave as family/medical leave must be made by the University as soon as practicable after learning the leave qualifies under the FMLA. If the University only learns of the leave's qualification after the leave has begun, the University may make FMLA designation at that time and the time spent on such leave will be retroactively counted against the employee's family/medical leave entitlement.