
SUBJECT: FAMILY & MEDICAL LEAVE ACT POLICY (FMLA)

1.0 POLICY

- 1.1. To define Snow College's policy and procedure with regard to the Family and Medical Leave Act (FMLA). The College recognizes the occasional need for time away from work to participate in early childrearing and the care of family members who have serious health conditions. Also recognized is the need employees might have for their own serious health condition. This policy is intended to assist employees of the College in better balancing those personal and family needs with workplace demands.
- 1.2. The provision of this policy shall not supersede any federal or state law that provides greater employee leave benefits and/or rights than are offered in this policy.
- 1.3. Employees who have been employed for at least one (1) year and for at least 1,250 hours during the preceding 12-month period are eligible for family & medical leave. For employees not eligible for family & medical leave, Snow College will review business considerations and individual circumstances involved in light of other leave policies. Eligible employees have a guarantee of returning to the same or to an equivalent position upon their return from leave.

2.0 PROCEDURE

- 2.1. Family & medical leave will consist of appropriate accrued paid leave and unpaid leave. If leave is requested for a purpose that also qualifies the employee to use accrued sick leave, the employee must use all of his or her accrued sick leave before the use of unpaid leave. The use of accrued vacation during a family & medical leave is at the option of the employee. Vacation and sick leave will continue to accrue during family & medical paid leave but will not accrue during family & medical unpaid leave. Leave not requested by the employee as family or medical leave may be considered by the College as family or medical leave qualifying and therefore deemed as family or medical leave, i.e., worker's compensation.
- 2.2. Leave taken for serious health conditions may be taken on an intermittent basis (not all at one time) when medically necessary. Snow College may require an employee on intermittent leave to transfer temporarily to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and accommodates recurring periods of leave more easily than the employee's regular position.

- 2.3. Intermittent leave cannot be taken for birth, adoption, or foster care, unless the employee and Snow College agree otherwise. If approved, leave for birth, adoption, or foster care purposes must be taken within 12 months of the birth or placement.
- 2.4. Snow College may require the employee on medical leave to obtain subsequent recertification on a reasonable basis. (Regulation 825.308 permits requests for recertification to support continuing medical leave not more often than every 30 days unless:
 - 2.4.1. The employee requests an extension of medical leave;
 - 2.4.2. changed circumstances occur regarding the illness or injury; or
 - 2.4.3. Snow College receives information that casts doubt upon the continuing validity of the most recent certification.)
- 2.5. An employee on family leave must notify his/her supervisor periodically of his/her status and intention to return to work. The supervisor has the authority to determine how often the employee must provide this notification.
- 2.6. Where both spouses are employed by Snow College, they are entitled to 12 weeks each because of a serious health condition of their child (dependent under age 26 and unmarried), their spouse, their natural parent or legal guardian, or themselves. However, they are only entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care.
- 2.7. The measuring year used by the College will be a fiscal year-commencing on July 1 and ending on June 30 of each year.

3.0 REASONS FOR LEAVE

- 3.1. All employees who meet the applicable time-of-service requirement may be granted a combined total of twelve (12) weeks of unpaid medical & family leave, paid sick leave, and vacation leave within a fiscal year for the following reasons:
 - 3.1.1. the birth of the employee's child and in order to care for the child;
 - 3.1.2. the placement of a child with the employee for adoption or foster care;
 - 3.1.3. to care for a spouse, child or parent who has a serious health condition; or
 - 3.1.4. a serious personal health condition that renders the employee incapable of performing the functions of his or her job.

3.2. A serious health condition is defined as one which requires either inpatient care or continuing treatment by a health care provider. (Refer to Regulation 825.114 for specific examples.)

4.0 APPLICATION FOR FAMILY & MEDICAL LEAVE

4.1. In all cases, an employee requesting family or medical paid, unpaid, or a combination of paid and unpaid leave must complete a "Request for Family and Medical Leave" and return it to the Human Resource Office. The completed application must state the reason for the family or medical leave, the starting date of the family or medical leave, and (if known or reasonably predictable) the ending date of the family or medical leave.

5.0 NOTICE OF FAMILY OR MEDICAL LEAVE

5.1. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit a request for family or medical leave at least thirty (30) days before the family or medical leave is to begin. In other cases, an employee must give notice to his or her immediate supervisor and to the Human Resource Office as soon as the necessity for the family or medical leave arises.

6.0 MEDICAL CERTIFICATION OF FAMILY & MEDICAL LEAVE

6.1. An application for family or medical leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable period of duration of the condition, and the appropriate medical facts regarding the condition.

6.2. If the family or medical leave is requested to care for a spouse, child, or parent, the certification must include an estimate of the amount of time the employee will need. If the employee is requesting the medical leave for his/her own serious health condition, the certification must state that the employee cannot perform the normal duties of his or her job.

7.0 BENEFITS COVERAGE DURING LEAVE

7.1. During a period of family or medical leave, an employee will be retained on the Snow College benefits applicable at the time of leave, i.e., health, dental and life insurance plans. If the employee's certification of employment does not qualify her/him for the plans, no such benefits will be provided.

7.2. To continue applicable benefits, the employee must continue to make any contribution he or she made to the plan before taking leave. Employee

contributions are due by the 25th day of each month. Snow College and the employee could voluntarily agree to a different system if necessary. Should Snow College be obligated to assume the employee portion of premiums in order to protect the employee from pre-existing condition requirements, the employee, upon return to work, must reimburse the College for the employee portion within six months through payroll deduction for repayment of the premiums.

- 7.3. An employee is not entitled to any seniority related benefits that would have accrued if he/she had not taken the leave. An employee who takes family or medical leave will not, however, lose any seniority related benefits that accrued before the date leave began.

8.0 RESTORATION TO EMPLOYMENT

- 8.1. An employee eligible for family and medical leave will be restored to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment. Snow College cannot guarantee an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by Snow College.

9.0 RETURN FROM FAMILY & MEDICAL LEAVE

- 9.1. An employee should give at least a three (3) days advance verbal notice of their intent to return to work to their immediate supervisor or to the Human Resource Office before he or she can return to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, written notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.
- 9.2. An employee returning from a medical leave for personal health reasons must provide a release from an appropriate health care provider certifying that the employee is fit to perform the normal duties of the position to which the employee is returning.

10.0 FAILURE TO RETURN FROM FAMILY & MEDICAL LEAVE

- 10.1. Failure of an employee to return to work within 30 days of the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted.
- 10.2. An employee, who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension in writing

to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the family or medical leave period. Extensions are subject to approval by the President upon consultation with the appropriate supervisor. The extensions may require recertification by a health care provider (see 13.3.1 1.2.5 above).

- 10.3. If the employee fails to return to work after the expiration of the family or medical leave, the employee will be required to reimburse Snow College for payment of the applicable benefit premiums paid in their behalf during the family or medical leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.
- 10.4. Unless otherwise negotiated, non-returning employees will be granted two-years from the beginning date of family or medical leave to reimburse Snow College for all premiums paid by the College. The reimbursable amount will carry a one (1) percent service charge on the unpaid balance per month.