

Family and Medical Leave Protocol

Mount Vernon Nazarene University will comply with the Family Medical Leave Act. The University may change this provision from time to time to reflect revisions in broad policies or new interpretations and amendments to the Act.

Purpose

The University recognizes that a leave of absence from active employment may be necessary for family or medical reasons. This protocol ensures compliance with the Family and Medical Leave Act (“FMLA”) and provides guidance to both employees and supervisors in the consistent application of the provisions of the Act.

Eligibility and Certification

An employee is eligible for FMLA if the employee

- Has been employed by The University for at least 12 months (the 12 months need not be consecutive), and
- Has worked at least 1,250 hours* during the 12 month period preceding the time the leave would begin. Work hours do not include time paid but not “worked”, such as paid vacation, personal, sick & holidays, nor do they include unpaid leave (of any kind, with the exception of military leave) or periods of layoff.

* FMLA Eligibility:

Staff Positions	Hours per Week	Faculty
9 Month	32	21 credit hours or more of course load or approved assigned administrative duties for a contract year
10 Month	29	
11 Month	26	
12 Month	24	

General Family and Medical Leave Guidelines

If eligible, an employee may be able to take up to 12 weeks in a rolling 12-month period, measured backward from the date the employee uses any leave (also called rolling calendar) for the following reasons:

- The birth of a child or to care for the employee’s child within the first twelve (12) months after birth;
- The placement of a child with the employee for adoption or foster care within the first twelve (12) months of placement;
- To care for an immediate family member (child, spouse, or parent) who has a serious health condition (see definition of serious health condition below); or
- For the employee’s own serious health condition, if the condition makes the employee unable to perform the functions of his/her position.
- Because of a qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on covered active duty, or has been notified of an impending call or order to active duty in the Armed Forces. Qualifying exigencies include:
 - short-notice deployment;
 - military events and related activities;

- childcare and school activities;
- financial and legal arrangement;
- counseling;
- rest and recuperation;
- post-deployment activities; or
- additional activities agreed by the the University and the employee.

If eligible, an employee may be able to take up to 26 weeks of unpaid leave during a single 12-month period for the following reason:

- To care for a wounded service member who is a spouse, son, daughter, parent or next of kin (nearest blood relative of a service member). During the 12-month period when this leave is taken, the employee shall be limited to a combined total of 26 workweeks of Family and Medical Leave.

Definitions

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility, or any subsequent treatment in connection with such inpatient care;
- a period of incapacity requiring absence from work, school or other regular daily activities of more than three consecutive, full calendar days, which includes in-person visits for treatment, by or under the supervision of a health care provider two or more times within 30 days of the first day of incapacity (absent extenuating circumstances), provided that the first visit must take place within 7 days of the first day of incapacity;
- a period of incapacity requiring absence from work, school or other regular daily activities of more than three consecutive, full calendar days and in-person treatment by a health care provider on at least one occasion within 7 days after the first day of incapacity, and a subsequent regimen of continuing treatment under the supervision of the health care provider;
- any period of incapacity or treatment due to pregnancy, or prenatal care;
- any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits for treatment by a health care provider, or by a nurse or assistant under direct supervision of a health care provider; continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, severe stroke, or the terminal stages of a disease); or
- any period of absence to receive multiple treatments (including any period of recovery there from) by or under orders of a health care provider.

“Key employees” are those individuals within the highest paid 10% of the University’s employees. Key employees may not be entitled to reinstatement upon expiration of family and medical leave in

certain circumstances. The University will notify an employee whether he or she is considered to be a key employee under this provision.

Length of Family and Medical Leave

An eligible employee may be entitled to up to twelve (12) weeks (or 26 weeks if the leave is to care for a wounded service member as described above) of leave within a rolling 12-month period, measured backward from the date the employee uses any leave under this policy (also called rolling calendar), without loss of seniority or benefits. The amount of leave available to an employee at any given time will be calculated by looking back at the amount of leave taken within the 12-month period immediately preceding the requested leave.

If the employee and his/her spouse both work for the University, they are both eligible for leave. In cases other than the employee's own serious health condition, the total leave period for the employee and the employee's spouse may be limited to 12 weeks total (combined) or no more than 26 weeks total (combined) for leave to care for a wounded service member.

Requesting Family and Medical Leave

When requesting FMLA, the employee must provide the University with at least thirty (30) days of advance notice whenever possible. The employee is responsible for completing the "Application for Family or Medical Leave" form and submitting it to the Director of Human Resources.

Employer Response to Employee's Request for Family and Medical Leave

Within 5 business days, the Director of Human Resources will provide the requesting employee with an Eligibility Notice, stating whether or not the employee is eligible for FMLA leave, and the reason[s] for ineligibility, if applicable; and a Notice of Rights and Responsibilities. Copies of these documents will be placed in the employee's medical file.

Medical Certification

Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. The employee's (or family member's) treating physician is required to fill out the medical certification form, and the employee is required to return it to the Director of Human Resources no later than 15 days after the employee is notified by the University that medical certification is required. If the form is incomplete or insufficient, the employee will be given an additional 7 days to provide complete information. FMLA leave will be postponed until a complete and sufficient certification is provided, and will be denied if the complete and sufficient certification is not received within the required period of time.

The University has the right to request re-certification in accordance with FMLA regulations.

Designation Notice

Within 5 business days of receiving a timely, complete and sufficient medical certification, the University will notify the Employee as to whether the leave will be granted, and if so, whether it will be designated as FMLA leave.

Periodic Notification During Family and Medical Leave

Employees may be required, while on family or medical leave, to contact the Director of Human Resources every thirty (30) days (or as otherwise required) to report on their status and intentions to return to work at the end of their leave period.

Return to Work Following Family and Medical Leave

Because the University wishes to ensure the well-being of all employees, any employee returning from FMLA leave for his/her own serious health condition will need to provide a Fitness for Duty/Return to Work statement signed by his/her treating physician. If the employee fails to provide a Fitness for Duty/Return to Work statement, he/she will not be permitted to resume work until it is provided.

Additional Medical Opinions

The University, at its expense, may require an examination by a second health care provider, designated by the University, if the University has a reasonable question regarding the medical certification provided by the employee. If the opinions of the first and second health care providers conflict, the University, at its own expense, may require the employee to obtain an opinion from a third health care provider. The opinion of the third health care provider will be considered final and binding on the University and the employee.

Coordination with Other Leaves

Leaves of absence for injury or illness on Workers' Compensation will be considered leave under FMLA and run concurrently with FMLA.

Benefit Continuation During Family and Medical Leave

The University will maintain group health care benefits (medical, dental, vision) for the employee while he or she is on FMLA leave (if currently enrolled), but the employee is responsible for paying the normal monthly contribution, including any changes which apply. **Failure to pay the employee portion of the premiums within 30 days of the due date will result in cancellation of employee's enrollment in that plan.** If the employee does not return to work at the end of the leave period, the University is entitled to recover its share of the premiums from the employee, unless the reason the employee does not return is due to the continuation, recurrence or onset of a serious health condition of the employee or the employee's family member, or the serious injury or illness of a covered service member; or due to other circumstances beyond the employee's control.

Substitution of Paid Leave

Employees must use any accumulated sick or vacation time to the extent available during the FMLA leave period, unless such leave is covered under a paid leave benefit, such as Disability or Workers' Compensation, in which case the employee must use accumulated paid leave time for the purpose of satisfying any waiting period.

Absences in excess of these accumulated paid days will be treated as leave without pay.

Leave under Disability or Workers' Compensation is concurrently charged as FMLA leave.

Reinstatement Following Family and Medical Leave

Upon return from FMLA leave, the employee will be reinstated to his/her original or an equivalent position. "Equivalent" means equal as to status, responsibility and authority. However, no employee is entitled, under this policy, to any right, benefit or position other than that to which the employee would have been entitled had he or she not taken leave. Thus, for example, if a reduction-in-force or some other business condition arises which affects the employee's position, reinstatement may not be possible.

The performance review date of an employee on FMLA leave will be adjusted equal to the amount of time the employee is on leave of absence. Employees will not accrue additional service credit while on leave.

If an employee fails to return at the end of the FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the University.

Intermittent Family and Medical Leave

It may be medically necessary for some employees to use intermittent FLMA leave. The University will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or the employee's own serious medical condition. Leave due to the birth or adoption of a child must be completed within the 12 month period beginning on the date of the birth or placement of the child and may not be taken intermittently without special permission from the Director of Human Resources. If the employee requests an intermittent or reduced hours leave, the University may temporarily transfer the employee to an alternative position that better accommodates the University's needs in providing the leave. Equivalent pay and benefits will be provided during the temporary assignment.

Leave Extension Requests

If an employee requests an extension of leave beyond the 12 week period because of his/her own serious medical condition, the employee must submit medical certification of a continued serious health condition in advance of the request. The University will review these requests on a case-by-case basis in order to determine whether it can reasonably accommodate such a request. Reinstatement is not guaranteed when granting extended leave and will depend on the business needs of the University.

The following outlines the approval, review, and revision history of the family and medical leave protocol.

Version	Approval Date of Version	Version Type
1.0	Senior Leadership Team, August 9, 2012	Initial release