

Family and Medical Leave (FMLA)

In compliance with the Family and Medical Leave Act (FMLA), unpaid leave is available to employees under the following circumstances:

- To care for a newborn or adopted child
- To care for, or ease the transition of, an adopted child or child placed in the home through foster care
- To care for a spouse, child or parent with a serious health condition
- An employee's own serious health condition
- To care for a family member injured during active military duty
- To ease in the transition when a family member is called to or returning from active military duty

Eligibility

All employees who have been employed at least 12 months and worked at least 1,250 hours during the preceding 12 months are eligible to take time off for family and medical leave. Having met the applicable service requirements, employees may be granted up to a total of 12 weeks of family or medical leave combined during any rolling 12-month period and up to 26 weeks of leave to care for a family member injured while on active military duty. A "rolling" 12-month period measured backwards from the date an employee takes leave will be used for computing the period within which the leave may be taken. **Any accrued paid time off and vacation time must be used before using unpaid time.** If a husband and wife are both employed at Augustana, the total maximum leave under law is 12 weeks. In all cases, all forms of employee leave, whether paid or unpaid, will run concurrently with FMLA.

How and When to Request Leave

Employees requiring time off from work for one of the reasons identified above must notify Augustana College of the need for leave by completing a Request for Family/Medical Leave form, available from the Office of Human Resources. This request must be made 30 days in advance of the leave when the need for leave is foreseeable. If the need for leave is not foreseeable, leave must be requested as soon as is practical. Failure to give advance notice might result in the request being denied until the 30-day notice period is met when applicable. When possible, employees should give notice of the need for leave in writing.

Intermittent and Reduced Schedule Leave

Leave may be taken intermittently and in one-hour increments as deemed necessary. Depending on the circumstance, a reduced schedule may be created to accommodate the leave needs of an employee. Employees are required to record intermittent leave taken and report it each pay period. If leave is unpaid, the college will reduce the employee's pay to reflect the amount of time actually worked. In addition, employees on an intermittent or reduced leave schedule may be temporarily transferred to an available alternative position that better accommodates the need for leave and which has equivalent pay and benefits.

Medical Certification

If leave is requested for a serious health condition, for either the employee or the employee's family member, a medical certification will be required. This certification requires information from the employee and the relevant health care provider and must be completed to determine eligibility before commencing the leave whenever possible. Medical certification forms are available from the Office of Human Resources. Augustana College, at its expense, may require an examination by a second health care provider designated by the college. If the second health care provider's opinion conflicts with the original medical certification, Augustana College, at its expense, may require a third mutually agreeable health care provider to conduct an examination and provide a final and binding opinion. Augustana College may also require a subsequent medical recertification. Failure to provide requested certification within 15 days if practical, may result in delay of further leave until it is provided.

Service Member Family and Medical Leave

The leave amounts for easing the transition during a call to active duty or return to active duty are the same as other FMLA leave listed above.

Activities to ease the transition include, but are not limited to: attending certain military events; arranging for alternative childcare; addressing certain financial and legal arrangements; attending certain counseling sessions; and attending post-deployment reintegration briefings. If leave is required to assist in the care of a covered service member who is ill or injured during active duty, a total of 26 weeks of leave is available for the 12-month period as described above. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious illness or injury incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list.

Reporting While on Leave

If employees take leave because of their own serious health condition or to care for a covered relative, the employee must contact their supervisor or manager at least once every two weeks regarding their status and intention to return to work. In addition, employees must give notice as soon as practical (within two business days if feasible) if the dates of leave change, are extended or initially were unknown.

Health Insurance and Other Benefits

During an approved leave as defined above, Augustana College will maintain health benefits as if the employee continued to be actively employed. However, if an employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the college for the cost of the health insurance premiums paid by the college for maintaining coverage during the leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control.

Returning to Work

Upon return from FMLA leave, employees will be reinstated to their former, or equivalent, positions with the same compensation and benefits received before their leave, provided their positions have not been eliminated because of restructuring or layoffs. Failure to return from FMLA leave on the designated date for any reason other than those beyond the employee's control (such as recurrence of a medical condition) will be considered a voluntary termination of employment by the employee. Certification from a medical provider stating that the employee is able to return to work will be required.

Summary of FMLA

Because of the complicated nature and many regulations that accompany this type of leave, it is strongly suggested that employees meet with the Office of Human Resources to discuss the situation and receive specific details of FMLA. During this meeting additional information will be provided about benefits continuation during your leave as well as other information relevant to your particular situation.

A Department of Labor notice regarding FMLA leave is included in the Appendix of this handbook, which provides some additional information about FMLA.