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HUMAN RESOURCES
Family and Medical Leave (FMLA)
Procedures

1. PURPOSE

The Family and Medical Leave Act (FMLA) is a federal law that guarantees eligible employees of covered employers to take up to 12 workweeks of job-protected leave for specified needs. Westminster College is considered a covered employer; this procedure outlines the internal process the college will follow to ensure compliance under FMLA.

This procedure applies to all employees.

2. ELIGIBILITY

Employees are eligible for leave under FMLA if they have been employed with the college for at least one year, and have worked the equivalent of at least 1,250 hours over the previous 12 months.

Westminster College will grant up to 12 weeks family and medical leave, up to 12 weeks military exigency leave, or up to 26 weeks for military caregiver leave during a 12-month period. The 12-month period will be measured forward from the first date an employee takes FMLA leave for any reason.

Leave may be approved as either continuous or intermittent based on medical need. 12 weeks of approved leave will be paid at the employee’s regular rate of pay. All employer-sponsored benefits will continue for the duration of approved leave.

3. DEFINITIONS

A. QUALIFYING CONDITION

Qualifying conditions include the following:

- A serious health condition that makes the employee unable to perform the employee’s job.
- Incapacity due to pregnancy, prenatal medical care or child birth.
- Care for the employee’s child after birth, or placement of adoption or foster care (within 12 months after birth or placement)
- Care for the employee’s immediate family member who has a serious health condition.

B. SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

C. COVERED ACTIVE DUTY

Deployment with the Armed Forces to a foreign country or active duty in a contingency operation.

D. COVERED SERVICEMEMBER

A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty, or a serious injury or illness that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces, that may render the servicemember medically unfit to perform...
his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

E. QUALIFYING EXIGENCY

Leave to manage family affairs when their immediate family member has been called to or is on covered active duty. Examples include time off for:

- Preparations for short-notice deployment
- Military events and activities
- Child care and school activities
- Making financial and legal arrangements
- Personal and family counseling
- Rest and recuperation
- Post-deployment activities

F. IMMEDIATE FAMILY MEMBER

For purposes of this procedure an immediate family member is defined as the spouse, domestic partner, child, or parent of an eligible employee.

4. LEAVE ENTITLEMENT

A. FAMILY AND MEDICAL LEAVE

Westminster College will provide up to 12 weeks of leave to eligible employees with a qualifying condition.

B. MILITARY EXIGENCY LEAVE

Westminster College will provide up to 12 weeks of leave to eligible employees to attend to qualifying exigencies.

C. MILITARY CAREGIVER LEAVE

Westminster College will provide up to 26 weeks of leave to eligible employees for the care for an immediate family member who is a covered servicemember with a qualifying medical condition.

5. PROCEDURES

Any absence of more than 3 consecutive days that meets a qualifying condition should be reported to the Human Resources Department for consideration under FMLA.

A. EMPLOYEE RESPONSIBILITIES

- Employees must provide 30 days advance notice of the need to take FMLA leave to their supervisor and to a Human Resource representative when the need is foreseeable.
- If 30 days notice is not possible, the employee must provide notice to their supervisor and to a Human Resource representative as soon as practicable and must comply with the college’s usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- Employees must provide sufficient information for the college to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
- Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family
leave. Employees also must inform the college if the requested leave is for a reason for which FMLA leave was previously taken or certified.

- Employees must submit the required certification forms to the Human Resources office within five business days of notifying the college of their need for leave. Links to certification forms can be found in the RESOURCES section below.
- An employee who takes leave under this policy for their own serious health condition will need to provide a fitness for duty clearance from their health care provider upon returning to work.

B. SUPERVISOR RESPONSIBILITIES
- Supervisors must notify the Human Resources department in writing of an employee’s medically necessary absence expected to exceed 3 consecutive work days.
- Supervisors of staff must enter all time approved under FMLA on the employee’s behalf using leave code FML.

C. COLLEGE RESPONSIBILITIES
- Within five business days after the employee has submitted the appropriate certification form, a Human Resources representative will provide a written response to the employee’s request for leave under FMLA.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms; use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

6. FORMS AND RESOURCES

- Certification of an employee’s qualifying condition
- Certification for an immediate family member’s qualifying condition
- Certification for qualifying exigency for military family leave
- Certification for military caregiver leave