

Policy Statement

Wittenberg University complies with the provisions of the federal Family and Medical Leave Act of 1993 (FMLA). Much of the language and detail outlined in this policy is required by law. In many cases, policies are more generous than those outlined by the FMLA. It is the intent to fully support faculty and staff in balancing the demands of family and work while maintaining minimal disruptions in the classroom and university operations during a family leave.

Employees should contact Human Resources with questions on any aspect of this policy or its application.

Applicability

All eligible employees are covered by this policy.

Definitions

These definitions apply to these terms as they are used in this policy:

Eligible Employee An eligible employee is defined as any employee of Wittenberg University, who has been employed by the University for at least twelve (12) months total and who has worked at least 1,250 hours during the twelve (12) month period immediately preceding the leave.

- o Employment prior to breaks in service counts towards eligibility; however, FMLA regulations limit the time period. Employers are only required to look back seven years to determine eligibility.

Immediate Family Child, Spouse or Parent, but not in-laws.

Family Leave Leave as defined by the Family and Medical Leave Act

basic or instrumental activities of daily living, such as grooming & hygiene, bathing, dressing, eating, cooking, taking public transportation, etc.; and a

the employee, a baby should be delivered through surgery earlier than the estimated date of delivery. When the circumstances change and leave is needed earlier than anticipated, the employee should notify the supervisor and Human Resources as soon as practical (d

accomplish this in a manner that accommodates the legitimate interests of employers, and minimizes the potential for employment discrimination.

- The following is a list of your rights and benefits as an eligible FMLA employee:
 - 12 weeks of unpaid FMLA leave in a 12-month period
 - Continuation of group health benefits during FMLA leave, provided the employee continues with employee required premium payments
 - Restoration to the same or an equivalent job upon return to work
 - Retention of accrued benefits. However, the employer can require employees to use available

leave under the FMLA, or because of other circumstances beyond the employee's control.

Examples of circumstances beyond the employee's control include the following situations:

- o the unexpected transfer of an employee's spouse to a job location more than 75 miles from Springfield;
- o the employee's obligation to care for a relative or other individual other than an immediate family member;
- o the layoff of an employee while on leave; or
- o The decision of a key employee not to return to work after notification that the university will not restore the position because of substantial and grievous economic injury to the university.

Examples of circumstances that are within the employee's control include a return to work in order to stay home with a newborn child or a situation in which an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care. When an employee fails to return to work because of the continuation, recurrence or onset of a serious health condition, the employee must submit

condition within 30 days of the date the employee was to return to work. If the employee does not provide such certification within 30 days of the date he or she was to return to work, the employee shall owe the cost of any benefits provided by the university during FMLA leave.

Employees who fail to return to work after FMLA leave shall be treated as having voluntarily terminated their employment. The employee shall be entitled to continuation of health and other benefits only in accordance with the provisions of the benefit plans.

If any employee does not return to work under circumstances where repayment is required, the employee must repay all premiums within 60 days after receiving notice of the amount owed. After that time, the amount owed will be collected as a debt, which may result in legal action.

The Military Family Leave Provisions

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible

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spouse, son, daughter, parent or next of kin.

QUALIFYING EXIGENCY LEAVE

A covered employer must grant

for members of the **Reserve** components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member

MILITARY CAREGIVER LEAVE

A covered employer must grant an eligible employee up to a total of **26 workweeks** of unpaid, job-injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

A covered servicemember is either:

a **current** member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Employer Responsibilities Under FMLA

Wittenberg University provides employees with information regarding the FMLA in the Staff Manual. Additionally, the required FMLA poster is placed on the bulletin board outside of the Human Resources Department in Recitation Hall.

It is the responsibility of the Wittenberg University Human Resources to designate leave, paid or unpaid, as FMLA-qualifying. Wittenberg University HR has the right to designate any qualifying time off as FMLA leave, even if the time is not specifically requested as FMLA leave per set by the eligible employee. It is also the responsibility of Wittenberg University Human Resources to notify the employee

If Wittenberg University has reason to doubt the validity of a medical may, at its own expense, require the employee to obtain a second opinion.

If an employee is not able to return to work by the end of the approved FMLA leave, the employee may be eligible to request additional personal leave under

