

FAMILY AND MEDICAL LEAVE POLICY¹
OBERLIN COLLEGE STAFF (EXCLUDING FACULTY)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), and all applicable amendments and regulations, eligible employees may be entitled to twelve (12) workweeks of unpaid, job-protected leave for certain family and medical reasons, or twenty-six (26) workweeks of leave to care for a covered military servicemember with a serious injury or illness. Eligible employees are those individuals who have been employed for a minimum of one (1) year with the College and have completed at least 1,250 hours of service during the previous 12 months.

Family and Medical Leave may be taken for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for your child after birth, or placement for adoption or foster care; or
- To care for your spouse, son, daughter, or parent who has a “serious health condition,” provided that your son or daughter is either under the age of 18 or is 18 or older and incapable of self-care because of a mental or physical disability; or
- For a “serious health condition” of your own that renders you unable to perform your job.

- Because of a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status)

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin to the covered servicemember.

With the exception of military caregiver leave, the 12-month FMLA leave year is determined by a rolling 12-month period for all staff (excluding faculty), and a fixed 12-month period for Service (UAW) employees.

Serious Health Condition

¹ This is a copy of the policy, as published on the College’s website.

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 involves “continuing treatment” by a healthcare provider for a condition that prevents you or your family member from working, attending school, or performing daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive full calendar days combined with at least 2 visits to a health care provider within 30 days of the first incapacity or one visit and a regimen of continuing treatment. Continuing treatment may also be met by incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Servicemember Leave

Eligible employees may also take FMLA leave in certain situations related to a family member’s service in the Armed Forces. There are two types of servicemember leave:

1. **Qualifying Exigency Leave** – FMLA leave is available to eligible employees for a “qualifying exigency” arising out of the fact that an employee’s family member is on active duty, or call to active duty status as a member of the Regular Armed Forces, National Guard, or Reserves. For purposes of qualifying exigency leave, active duty or call to active duty in the Regular Armed Forces means deployment to a foreign country. For those in the National Guard or Reserves, this means deployment to a foreign country or in support of a contingency operation.
 - A “qualifying exigency” may include: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) care of parent incapable of self-care; and (9) additional activities where you and the College agree to the timing and duration of the leave.
 - For purposes of qualifying exigency leave, a covered family member includes your spouse, son, daughter, or parent.
 - When your need for qualifying exigency leave is foreseeable, you must provide notice to the College as soon as is reasonable and practicable.
 - When qualifying exigency leave is taken, you may take up to 12 workweeks of leave during any 12-month period. This leave counts toward your general 12-week in 12-months FMLA leave entitlement.

2. **Military Caregiver Leave** – FMLA leave is available to eligible employees to care for a covered servicemember who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces.
 - Military caregiver leave is available to the spouse, son, daughter, parent, or next of kin (nearest blood relative) of a covered servicemember.
 - For the purpose of military caregiver leave, “covered servicemember” is a current member of the Armed Forces, including the National Guard and Reserves, who is

undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.

- A “serious injury or illness” is an injury or illness incurred by the covered servicemember in the line of duty on active duty that may render the member medically unfit to perform the duties of his or her office, grade, rank, or rating.
- When your need for military caregiver leave is foreseeable, you must provide the College with 30 days notice, where practicable.
- When military caregiver leave is taken, you may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Military caregiver leave, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period. If you take less than 26 workweeks of leave to care for a servicemember, you forfeit the remainder of the 16 workweeks of leave. In addition, you can only take 26 workweeks of leave for a single injury or illness, regardless of the duration of the need for the care.

Scheduling FMLA Leave

When a leave of absence under this policy is for foreseeable reasons, such as the birth or adoption of a child or planned medical treatment, or for foreseeable military caregiver leave, you are required to provide 30 days advance notice to the Human Resources Department. When the reason is not foreseeable, and for qualifying exigency leave, you must notify Human Resources as soon as practicable of your request for leave. You must complete paperwork available from Human Resources, and you must comply with the College’s normal call-in procedures.

When providing notice of your need for FMLA leave, you must provide information regarding the reason for your absence so that the College can determine if the FMLA applies. You must also provide information regarding the anticipated timing and duration of your leave and whether your leave is for a reason for which FMLA leave was previously taken or certified. Sufficient information may include that you are unable to perform job functions, your 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 servicemember leave.

You must provide medical certification for any absence based upon your own health condition or illness or based upon your family member’s health condition or illness. The College reserves the right to require a second opinion verifying the medical condition, to require periodic recertification, and to have you submit a fitness-for-duty certification to be restored to your job. In addition, in the case of an illness where you are expected to be out on leave for longer than 30 days, you may be required to report every 30 days on your leave status and intention to return to work. The College may also require certification of the need for both types of servicemember leave. Forms for requesting leave and medical certification are available through the Human Resources Department. It is your responsibility to ensure that the proper forms are fully completed in a timely manner.

For all FMLA leave, you will be required to use any accrued paid leave, vacation and sick time

concurrently (as the initial part) of your total FMLA entitlement. You must comply with any applicable provisions of the College's paid leave policies.

In some instances, leave may be taken on an intermittent or reduced-leave schedule basis if it is medically necessary for a serious health condition of the employee or his or her spouse, child or parent, or for military caregiver leave. When necessary, qualified exigency leave may also be taken on an intermittent or reduced schedule basis. If intermittent or reduced schedule leave is requested, however, the College may require the employee to transfer temporarily to a part-time schedule or an alternative position that better accommodates recurring absences. The alternative position will have equivalent pay and benefits for time worked. You must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the operations of the College.

Spouses who are both employed by the College are entitled to 12 workweeks total (rather than 12 workweeks each) for the birth or placement in adoption or foster care of a child or for the care of a sick parent. Spouses who are both employed by the College are entitled to a total of 26 workweeks of military caregiver leave, or for a combination of that leave and leave for the following: (1) birth, adoption or foster care and/or to care for such a child; or (2) to care for a parent with a serious health condition.

The College will notify you whether your request for FMLA leave is granted or denied, and, if granted, the amount of leave granted. If leave is denied because you are not eligible, the College will provide notice of the reason for your ineligibility. If you are eligible, the College will provide notice of any additional information required and your rights and responsibilities.

Benefits and Returning to Work

Your medical and dental benefits, life, accidental death and long-term disability insurance, if any, will be continued while you are on Family and Medical Leave. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your FMLA leave. You will be required to continue to pay your portion of the insurance premiums.

Upon your return to work, most employees will be restored to their original position or to a position with equivalent pay, benefits and working conditions without a loss in continuous employment status. If you do not return to work following your leave, the College may require you to pay the full premium amount (including both your portion and the College's portion of the insurance premium) for your insurance benefits that continued while you were away from work.

The College will not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for his or her involvement in proceedings relating to the FMLA, or interfere with, restrain or deny any person the exercise of any right provided by FMLA.

FMLA does not affect any other federal, state, or local law that prohibits discrimination, or supersede any state or local law or bargaining agreement that provides greater family or medical leave rights.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit to enforce FMLA rights.

For a detailed explanation of the Family and Medical Leave Policy, please contact the Human Resources Department.

END OF POLICY*****