

FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA)

- THIS ACT REQUIRES THAT A COVERED EMPLOYER PROVIDE UP TO TWELVE (12) WORKWEEKS OF **UNPAID LEAVE** TO ELIGIBLE EMPLOYEES.
- ELIGIBLE EMPLOYEES ARE THOSE EMPLOYEES WHO:
 - (1) HAVE BEEN EMPLOYED FOR AT LEAST ONE YEAR BY RSC;
 - (2) HAVE WORKED AT LEAST 1,250 HOURS DURING THE PREVIOUS TWELVE-MONTH PERIOD; **AND**
 - (3) HAVE REQUESTED LEAVE FOR A REASON COVERED BY THE ACT

QUALIFYING REASONS FOR FMLA

- BIRTH OF A SON OR DAUGHTER AND TO CARE FOR SUCH SON OR DAUGHTER
- PLACEMENT OF A SON OR DAUGHTER WITH EMPLOYEE FOR ADOPTION OR FOSTER CARE
- TO CARE FOR THE SPOUSE, CHILD, OR PARENT OF THE EMPLOYEE, IF SUCH SPOUSE, CHILD, OR PARENT HAS A SERIOUS HEALTH CONDITION
- SERIOUS HEALTH CONDITION THAT MAKES THE EMPLOYEE UNABLE TO PERFORM HIS OR HER JOB FUNCTIONS
- ANY QUALIFYING EXIGENCY ARISING OUT OF THE FACT THAT THE SPOUSE, CHILD, OR PARENT OF THE EMPLOYEE IS ON ACTIVE DUTY (OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY) IN THE ARMED FORCES IN SUPPORT OF A CONTINGENCY OPERATION

SERVICEMEMBER FAMILY LEAVE

- AN ELIGIBLE EMPLOYEE WHO IS THE SPOUSE, CHILD, PARENT, OR NEXT OF KIN (I.E., THE NEAREST BLOOD RELATIVE) OF A SERVICEMEMBER WHO IS RECOVERING FROM A SERIOUS ILLNESS OR INJURY SUSTAINED IN THE LINE OF DUTY ON ACTIVE DUTY IS ENTITLED TO UP TO 26 WEEKS OF LEAVE IN A SINGLE 12-MONTH PERIOD TO CARE FOR THE SERVICEMEMBER. SERVICEMEMBER FAMILY LEAVE SHALL ONLY BE AVAILABLE DURING A SINGLE 12-MONTH PERIOD
- DURING THE SINGLE 12-MONTH PERIOD DESCRIBED IN THE ABOVE PARAGRAPH, AN ELIGIBLE EMPLOYEE SHALL BE ENTITLED TO A COMBINED TOTAL OF 26 WORKWEEKS OF FAMILY MEDICAL LEAVE

DEFINITIONS

- SERIOUS HEALTH CONDITION - AN ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES EITHER IN-PATIENT CARE OR CONTINUING TREATMENT BY A HEALTHCARE PROVIDER
 - INTENDED TO COVER CONDITIONS OR ILLNESSES AFFECTING HEALTH TO THE EXTENT THAT IN-PATIENT CARE IS REQUIRED, OR ABSENCES ARE REQUIRED ON A RECURRING BASIS OR FOR MORE THAN JUST A FEW DAYS
 - DOES NOT COVER SHORT-TERM CONDITIONS FOR WHICH TREATMENT AND RECOVERY ARE VERY BRIEF. SUCH CONDITIONS WOULD NORMALLY BE COVERED BY RSC'S SICK LEAVE POLICIES
- SERIOUS INJURY OR ILLNESS - IN THE CASE OF A MEMBER OF THE ARMED FORCES, NATIONAL GUARD OR RESERVES, MEANS AN INJURY OR ILLNESS INCURRED BY THE MEMBER IN LINE OF DUTY ON ACTIVE DUTY IN THE ARMED FORCES THAT MAY RENDER THE MEMBER MEDICALLY UNFIT TO PERFORM THE DUTIES OF THE MEMBER'S OFFICE, GRADE, RANK, OR RATING
- YEAR – RSC USES A ROLLING 12-MONTH PERIOD MEASURED BACKWARD FROM THE DATE AN EMPLOYEE USES ANY LEAVE

UNPAID VS. PAID LEAVE

- FMLA IS UNPAID LEAVE - EMPLOYEES MAY ELECT A LEAVE WITHOUT PAY STATUS FOR ANY PART OF THE 12-WEEK PERIOD. IF AN EMPLOYEE ELECTS A LEAVE WITHOUT PAY STATUS, HE OR SHE WILL NOT ACCRUE ANNUAL OR SICK LEAVE DURING THE UNPAID ABSENCE
- FMLA ABSENCES CAN BE PAID ABSENCES IF EMPLOYEES ELECT TO USE ACCRUED RSC LEAVE
 - EMPLOYEES MAY USE ANNUAL, DISCRETIONARY, AND SICK LEAVE IN ANY COMBINATION THEY CHOOSE FOR ANY PART OF THE 12-WEEK PERIOD
 - EMPLOYEES WITH LESS THAN 12 WEEKS ACCRUED LEAVE WILL BE ENTITLED TO SUCH ADDITIONAL UNPAID LEAVE AS IS NECESSARY TO RESULT IN THE MINIMUM LEAVE SPECIFIED IN THE ACT FOR COVERED EMPLOYEES
 - IT IS NOT THE INTENT OF RSC OR THIS POLICY TO PROVIDE LEAVE BENEFITS THAT EXCEED THOSE AUTHORIZED BY THE ACT

APPLICATION FOR FMLA

- LEAVE FORM AVAILABLE IN THE OFFICE OF HUMAN RESOURCES
 - EMPLOYEE MUST COMPLETE THE APPLICATION AND STATE:
 - REASON, DURATION (IF KNOWN) AND START AND END DATES (IF KNOWN) OF THE LEAVE
- APPLICATION IS TO BE SUBMITTED TO EMPLOYEE'S IMMEDIATE SUPERVISOR
 - 30 DAYS PRIOR TO A KNOWN EVENT (I.E., BIRTH OR PLANNED MEDICAL TREATMENT)
 - AS SOON AS POSSIBLE PRIOR TO AN UNKNOWN EVENT (2 OR 3 DAYS PRIOR IF POSSIBLE)
 - IF RSC BECOMES AWARE OF AN EMPLOYEE'S ABSENCE DUE TO A QUALIFYING REASON FOR FMLA, RSC MAY PLACE THE EMPLOYEE ON UNPAID FMLA PENDING CONTACT WITH THE EMPLOYEE

MEDICAL CERTIFICATION STATEMENT

- CERTIFICATION FORM AVAILABLE IN THE OFFICE OF HUMAN RESOURCES
- REQUIRED TO ACCOMPANY ANY APPLICATION BASED ON:
 - SERIOUS HEALTH CONDITION OF EMPLOYEE, SPOUSE, CHILD OR PARENT
 - PROVISIONS UNDER SERVICEMEMBER LEAVE
- MUST BE COMPLETED BY THE APPLICABLE HEALTH CARE PROVIDER AND INCLUDE:
 - DATE THE CONDITION BEGAN
 - ESTIMATED DURATION
 - RELEVANT MEDICAL FACTS RELATED TO THE CONDITION
- IF ABSENCE IS FOR EMPLOYEE; CERTIFICATION MUST STATE EMPLOYEE CANNOT PERFORM THE FUNCTIONS REQUIRED OF HIS OR HER POSITION
- IF ABSENCE IS FOR EMPLOYEE, SPOUSE, CHILD OR SERVICEMEMBER, CERTIFICATION MUST STATE AN ESTIMATED AMOUNT OF TIME EMPLOYEE WILL BE NEEDED

MEDICAL CERTIFICATION STATEMENT

- RSC MAY REQUIRE SUBSEQUENT CERTIFICATIONS TO SUPPORT FMLA LEAVE BUT NOT MORE OFTEN THAN EVERY THIRTY (30) DAYS UNLESS THE EMPLOYEE:
 - REQUESTS AN EXTENSION OF LEAVE;
 - CIRCUMSTANCES DESCRIBED BY THE ORIGINAL CERTIFICATION HAVE CHANGED REGARDING THE ILLNESS OR INJURY; OR
 - RSC RECEIVES INFORMATION THAT CASTS DOUBT ON THE VALIDITY OF EXISTING CERTIFICATION
 - RSC RESERVES THE RIGHT TO REQUIRE THE EMPLOYEE TO OBTAIN A SECOND MEDICAL OPINION AT RSC'S EXPENSE
 - IF THE MEDICAL OPINIONS OF THE FIRST AND SECOND HEALTHCARE PROVIDER DIFFER, RSC MAY REQUIRE A THIRD OPINION FROM A HEALTHCARE PROVIDER MUTUALLY AGREED UPON BY RSC AND THE EMPLOYEE
 - THE THIRD OPINION SHALL BE FINAL AND BINDING

RETURNING TO WORK AFTER FMLA ABSENCE

- IF THE EMPLOYEE HAS TAKEN LEAVE DUE TO HIS OR HER SERIOUS HEALTH CONDITION AND WHEN THE EMPLOYEE IS PREPARED TO RETURN TO WORK, HE OR SHE MUST PROVIDE CERTIFICATION BY HIS OR HER HEALTHCARE PROVIDER THAT THE EMPLOYEE IS ABLE TO RESUME WORK
- IF AN EMPLOYEE INTENDS TO RETURN TO WORK BEFORE THE EXPIRATION OF FMLA, HE OR SHE MUST PROVIDE RSC WITH AT LEAST TWO WORKING DAYS' NOTICE OF HIS OR HER INTENT TO RETURN AND A DOCTOR'S RELEASE TO RESUME WORK
- A RETURN TO WORK FORM CAN BE OBTAIN IN THE OFFICE OF HUMAN RESOURCES

INTERMITTENT AND REDUCED SCHEDULE FMLA

- IF FOR SERIOUS HEALTH CONDITION OF THE EMPLOYEE OR HIS OR HER IMMEDIATE FAMILY MEMBER, THE REQUEST FOR LEAVE MUST BE SUPPORTED WITH A MEDICAL CERTIFICATION STATEMENT FROM THE HEALTHCARE PROVIDER
 - CERTIFICATION MUST STATE THAT SUCH LEAVE IS MEDICALLY NECESSARY
 - EXPECTED DURATION AND SCHEDULE OF SUCH LEAVE
 - MUST BE A MEDICAL NEED FOR LEAVE AND EVIDENCE THAT MEDICAL NEED CAN BEST BE ACCOMMODATED THROUGH INTERMITTENT OR REDUCED SCHEDULE
 - EMPLOYEES SEEKING LEAVE ON INTERMITTENT OR REDUCED SCHEDULE BASIS MUST SUBMIT THE LEAVE REQUEST AND THE MEDICAL CERTIFICATION
- WHEN REQUESTING INTERMITTENT OR REDUCED SCHEDULE LEAVE, AN EMPLOYEE SHALL WORK WITH HIS/HER SUPERVISOR TO ESTABLISH A WORK SCHEDULE THAT MEETS THE EMPLOYEE'S NEEDS WITHOUT UNDULY DISRUPTING RSC'S OPERATIONS
- ROSE STATE COLLEGE RESERVES THE RIGHT TO PLACE THE EMPLOYEE IN AN ALTERNATIVE POSITION WITH EQUIVALENT PAY AND BENEFITS TO BETTER ACCOMMODATE AN INTERMITTENT OR REDUCED SCHEDULE LEAVE

INTERMITTENT AND REDUCED SCHEDULE FMLA

- MAY BE TAKEN IN CONNECTION WITH THE BIRTH OR BECAUSE OF THE PLACEMENT FOR ADOPTION OR FOSTER CARE OF A CHILD; HOWEVER, INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE FOR THIS PURPOSE MAY ONLY BE TAKEN WITH THE APPROVAL OF THE EMPLOYEE'S IMMEDIATE SUPERVISOR, APPROPRIATE VICE PRESIDENT, AND THE PRESIDENT
- LEAVE QUALIFYING UNDER SERVICEMEMBER PROVISIONS MAY BE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE
 - RSC MAY REQUIRE THAT A REQUEST FOR LEAVE BE SUPPORTED BY A CERTIFICATION ISSUED AT SUCH TIME AND IN SUCH A MANNER AS THE U.S. DEPARTMENT OF LABOR SECRETARY MAY BY REGULATION PRESCRIBE
 - IF THE SECRETARY ISSUES A REGULATION REQUIRING SUCH CERTIFICATION, THE EMPLOYEE SHALL PROVIDE, IN A TIMELY MANNER, A COPY OF SUCH TO RSC

EFFECT OF LEAVE ON BENEFITS

- DURING A PERIOD OF FMLA, AN EMPLOYEE WILL BE RETAINED ON RSC'S HEALTHCARE BENEFITS. RSC AND THE EMPLOYEE WILL CONTINUE TO PAY THEIR CUSTOMARY PORTIONS OF THE MONTHLY PREMIUM. IN ORDER TO CONTINUE MEDICAL INSURANCE COVERAGE THE EMPLOYEE MUST CONTINUE TO MAKE ANY CONTRIBUTIONS THAT HE OR SHE MADE TO THE PLAN BEFORE LEAVE. FAILURE TO DO SO MAY RESULT IN LOSS OF COVERAGE. THE PAYROLL/BENEFITS OFFICE WILL ADVISE EMPLOYEES OF THE PAYMENT DUE DATES
- IF THE EMPLOYEE FAILS TO RETURN TO WORK AFTER THE EXPIRATION OF UNPAID LEAVE, THE EMPLOYEE MAY BE REQUIRED TO REIMBURSE RSC FOR PAYMENT OF HEALTH INSURANCE PREMIUMS. THE PRESIDENT MAY WAIVE THIS REQUIREMENT UNDER CERTAIN CIRCUMSTANCES.

REINSTATEMENT TO FORMER POSITION

- EMPLOYEES ARE GENERALLY ENTITLED TO BE RESTORED TO AN EQUIVALENT POSITION AND TO EQUIVALENT CONDITIONS OF EMPLOYMENT
 - MAY NOT BE APPLICABLE TO EMPLOYEES WHO ARE DESIGNATED AS “HIGHLY COMPENSATED EMPLOYEES.”
 - SALARIED AND “AMONG THE HIGHEST PAID 10 PERCENT” OF THE EMPLOYEES EMPLOYED WITHIN 75 MILES OF THE EMPLOYEE’S WORKSITE
 - AN EMPLOYEE WHO QUALIFIES AS A “HIGHLY COMPENSATED” EMPLOYEE MAY BE DENIED RESTORATION TO EMPLOYMENT IF NECESSARY TO PREVENT SUBSTANTIAL AND GRIEVOUS ECONOMIC INJURY TO THE OPERATIONS OF RSC
 - RSC CANNOT GUARANTEE THAT AN EMPLOYEE WILL BE RETURNED TO HIS OR HER ORIGINAL JOB
 - DETERMINATION WHETHER A POSITION IS AN “EQUIVALENT POSITION” WILL BE MADE BY RSC

FAILURE TO RETURN FROM LEAVE

- THE FAILURE OF AN EMPLOYEE TO RETURN TO WORK UPON THE EXPIRATION OF FMLA MAY SUBJECT THE EMPLOYEE TO IMMEDIATE TERMINATION UNLESS AN EXTENSION IS GRANTED
 - AN EMPLOYEE WHO REQUESTS AN EXTENSION OF FMLA DUE TO THE CONTINUANCE, RECURRENCE OR ONSET OF SERIOUS HEALTH CONDITION(S):
 - MUST SUBMIT A WRITTEN REQUEST FOR EXTENSION TO THE EMPLOYEE'S IMMEDIATE SUPERVISOR WITH A COPY TO THE PRESIDENT'S OFFICE
 - THIS WRITTEN REQUEST SHOULD BE MADE AS SOON AS THE EMPLOYEE REALIZES THAT HE OR SHE WILL NOT BE ABLE TO RETURN AT THE EXPIRATION OF THE LEAVE PERIOD