



THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) applies to all employers which employ 50 or more employees during each of 20 or more calendar weeks in the current or preceding calendar year. Chestnut Hill College is in that category and therefore complies with all FMLA regulations as appropriate.

Who is eligible?

To be eligible for FMLA benefits, an employee must have been employed for at least 12 months and must have provided at least 1,250 hours of service during any twelve months.

What are FMLA benefits?

The FMLA entitles an eligible employee to a total of 12 work weeks of unpaid leave during any 12-month period:

- 1) due to the birth, adoption, or placement for foster care of the employee's son or daughter;
- 2) in order to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- 3) because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
- 4) employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. 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 injury or illness 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.

The twelve-month period is measured from the employee's first day of covered FMLA leave.

Requesting and Taking FMLA

Employees must give 30 days written notice of foreseeable events that will result in a request for family or medical leave. If 30 days written notice is impossible, the employee must give such written notice as is practicable. Employees must schedule planned medical treatments with due regard for the operations of Chestnut Hill College.

Employees must also provide sufficient information to the HR office 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 function, 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 employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

All requests regarding FMLA should be submitted in writing to: Chestnut Hill College, Human Resources Office, 9601 Germantown Ave, Philadelphia, PA 19118-2693.

FMLA for Serious Health Conditions

"Serious health condition" is defined as a condition requiring in-patient care or continuing treatment by a health care provider. "Continuing treatment" includes (a) two or more visits to a health care provider or (b) a single visit to a health care provider that results in a regimen of continuing treatment under supervision of a health care provider.

In the case of an employee's serious health condition or that of a covered family member, Chestnut Hill College may require that the employee use any accrued paid leaves such as vacation, personal, or sick leave toward any part of the 12-week leave provided by the Act.

In the case of a serious health condition, leave may be taken on an intermittent or reduced schedule only if medically necessary.

Chestnut Hill College may require medical certification of a serious health condition and may obtain a second opinion at its own expense

FMLA for Birth, Placement or Adoption of a Child

When an employee requests leave due to the birth, placement, or adoption of a child, Chestnut Hill College may require that the employee use any accrued paid leaves such as vacation and personal but not sick leave toward any part of the 12-week leave provided by the Act.

In the case of the birth, adoption, or placement of a child, leave may be taken on an intermittent or reduced schedule only if approved by the supervisor and appropriate Vice President.

FMLA Leave for Care of a Covered Military Service Member

When an employee takes leave to care for a covered military service member, Chestnut Hill College may require that the employee use any accrued paid leave time such as vacation and personal toward any part of the up to 26-week leave.

Employee Benefits while taking FMLA

Chestnut Hill College will maintain group health care coverage for the employee for the leave's duration and under the conditions that coverage would have been provided had the employee not taken the leave. The employee should mail her/his portion of any medical insurance premium to Chestnut Hill College, HR office, 9601 Germantown Ave, Philadelphia, PA 19118-2693.

Generally, paid leave for vacation, etc. cannot be earned while on leave of more than thirty (30) calendar days. Please refer to the specific leave policies within the Chestnut Hill College Staff handbook for more detailed information.

Return from FMLA

Upon return of the employee, Chestnut Hill College will restore the employee to the same or a substantially equivalent position to the one the employee held prior to taking the leave. The taking of leave may not result in the loss of any seniority or employment benefits accrued prior to the taking of the leave.

If an employee is unable to return after using all available paid leaves and unpaid FMLA leave, Chestnut Hill College may post the employee's position as open and proceed with a hiring