

FAMILY AND MEDICAL LEAVE

Eligibility

Employees eligible to take a family medical leave of absence are those with at least twelve months of service who have worked at least 1,250 hours during the twelve months immediately preceding the commencement of the leave. Eligible employees are entitled to up to a total of 12 work weeks of family and medical leave during the rolling 12-month period measured backward from the date an employee uses any family or medical leave. Up to 26 weeks of leave is available for situations involving a covered family member's service in the Armed Forces.

Reasons for Leave

Family or medical leave will be granted to an employee only for one or more of the following reasons: the birth of a son or daughter, and to care for the newborn child; the placement of a son or daughter with an employee for adoption or foster care, and to care for the newly placed child; to care for a spouse, son, daughter, or parent who has a serious health condition; or a serious health condition that makes an employee unable to perform the functions of his or her position. If both spouses work for Hope College, combined leave time for new child leave or leave to care for a parent with a serious health condition is twelve weeks.

Eligible employees may also take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons: a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified that he or she will be called to active duty, in the Armed Forces in support of a contingency operation. An eligible employee may take up to 12 workweeks of leave during any rolling 12-month period measured backward from the date an employee uses any family or medical leave. Leave for this reason, when combined with other FMLA-qualifying leave, may not exceed 12 workweeks in the rolling 12-month period: to care for a servicemember who is the employee's spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the servicemember medically unfit to perform duties of the member's office, grade, rank or rating. An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Leave for the "Serious Health Condition" of the Employee or a Family Member

A "serious health condition" means any illness, injury, impairment, or physical or mental condition that requires in-patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a M.D., D.O., or other person capable of providing health care services. If the reason for the family or medical leave is because of a serious health condition, the employee must provide the College before the commencement of the leave, if practicable, with a complete Certification of Health Care Provider form, certifying the need for FMLA leave. Copies of this form are available from the Human Resources Office. During the term of the leave, employees may be asked to recertify the continued medical necessity for the leave.

Notice of Leave

In cases involving the birth or adoption of a child, planned medical treatment, or other circumstances where the need for leave is foreseeable, employees must give the College at least 30 days' prior notice of the need for a family or medical leave. In extenuating circumstances where 30 days' notice is not possible, the employee must give as much advance notice as is practicable. Employees must make a reasonable effort to schedule any medical treatment for a serious health condition so as not to unduly disrupt or interfere their duties and/or the operation of the College. Employees must also follow the College's process for reporting absences even though the absence may be FMLA-covered.

Intermittent/Reduced Schedule Leave

When medically necessary, an employee may take an intermittent or reduced schedule leave to care for an eligible family member with a serious health condition or due to the employee's own serious health condition. Employees on intermittent leave may be transferred temporarily to another position, with equivalent pay and benefits, to better accommodate periods of absence.

Continuation of Benefits

Employees who are participants in the College's health care insurance plan at the time the family or medical leave commenced will continue to participate in such health care insurance coverage under the same conditions as similar employees who are not on a family or medical leave, for up to twelve (12) total weeks of family leave. While on FMLA leave, the employee's share of the health insurance premiums will accrue and will be paid through payroll deductions when the employee returns to work. During the leave, the employee is to notify the College's Human Resources Department in writing of any changes in coverage or other relevant personal information. Employees must first use available paid days off, including available sick leave and vacation days, which will count toward the twelve (12) week period of family or medical leave. Thereafter, any family leave will be unpaid.

Return from Leave

Employees on leave must periodically report on their status and when they intend to return to work. If the employee needs a longer or shorter leave than originally anticipated due to changed circumstances, then the employee should provide the College with reasonable notice of the changed circumstances. If the leave is for the employee's own serious health condition, the employee will be asked, at the conclusion of the leave, to provide certification of his or her fitness and ability to return to work. Failure to provide a certification or fitness for duty statement may lead to the denial of a leave, denial of the continuation of leave, or denial of reinstatement. Upon a timely return from a family or medical leave, an employee will be restored to his or her former position, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. During the leave period, credit for service time will not accrue with the result that the employee will not continue to accrue eligibility for any paid days off, such as vacation days, sick leave, or service credit time. An employee has no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period. Additionally, changes in assignments, duties, hours, schedules, and the like may occur during the leave period as dictated by the College's operations. If an employee fails to return to work after the expiration of a family or medical leave, the employee must repay to the College any health care insurance premiums paid by the College for the health care coverage maintained by the College during the leave, unless failure to return from the leave is because of a continuation, recurrence, or onset of a serious health condition, or because of other circumstances beyond the employee's control. An employee who is able to return to work but does not return to work at the conclusion of his or her family or medical leave of absence will be considered to have voluntarily resigned his or her employment. If you are an employee within the highest paid 10 percent of the College's workforce and if your absence from work causes substantial and grievous economic injury to the business, you may not be restored to employment following an FMLA leave. Please contact the Human Resources Department for more information about this situation.

Questions

If you have any questions about FMLA leave, please contact the Human Resources Department. This policy replaces any prior College FMLA policies.