



## **Family and Medical Leave**

Washington College follows the federal Family and Medical Leave Act (“FMLA”), as amended effective January 16, 2009. The following is a summary of the leave entitlement and the procedures for requesting such leave.

### ***Eligibility***

Employees who have been employed by Washington College for at least 12 months, have worked at least 1250 hours during the 12 months immediately preceding the leave are eligible for FMLA leave.

### ***Leave Entitlement***

Generally, employees may take up to a total of 12 unpaid work weeks of leave during a “rolling” 12 month period, measured backward from the date the employee uses any family and medical leave. Thus, each time you take leave under this policy, your remaining leave entitlement would be the balance of the 12 workweeks that has not been used during the immediately preceding 12 months. Leave need not be taken in one block. Leave may be taken intermittently or on a reduced schedule when medically necessary or as necessary for a qualifying exigency. You will be permitted to take family and medical leave for the following reasons:

1. Incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for your child after birth, or placement of a child for adoption or foster care with you or your spouse (Note that leave must be taken all at one time and within one year of the qualifying event, unless agreed to by Washington College; also note that if both parents work for Washington College, they have 12 weeks of total leave in a 12 month period for the birth or placement of the child);
3. The serious health condition<sup>1</sup> of your spouse, son or daughter (under 18 or incapable of self-care), or parent;

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<sup>1</sup> A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more

4. Your own serious health condition; or
5. A qualifying exigency resulting from your spouse, son or daughter, or parent's active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation.
  - Qualifying exigencies may include:
    - 1) Short-notice deployment – limited to 7 calendar days;
    - 2) Certain military events;
    - 3) Arranging for alternative childcare;
    - 4) Addressing certain financial and legal arrangements;
    - 5) Attending certain counseling sessions;
    - 6) Rest and recuperation leave during deployment – limited to 5 days; or
    - 7) Attending post-deployment and reintegration briefings.
  - Note that leave because of a qualifying exigency does not pertain to family members who serve in the Regular Armed Forces, but rather, only the National Guard and the Reserves.

In addition, eligible employees are permitted to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period that begins on the first day you take leave for this reason. A covered servicemember 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, which results in:

- 1) Undergoing medical treatment, recuperation or therapy;
  - 2) Treatment as an outpatient; or
  - 3) Otherwise on the temporary disabled list.
- Note that if both parents work for Washington College, they are limited to a combined total 26 weeks of leave.

### ***Procedures***

The following procedures will apply when you request family and medical leave:

- If the need for leave is foreseeable, you must provide at least 30 days advance notice to Human Resources. If leave is needed due to a planned medical treatment, you must make a reasonable effort to schedule the treatment to avoid disruption to Washington

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than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

College's operations. All requests must be made by completing the appropriate forms, which may be obtained from Human Resources. Where the need is not foreseeable, you must provide us with notice of your intent to take leave as soon as is practicable and you must comply with Washington College's standard call-in procedures. Failure to provide us with timely notice can result in a denial or delay of your request for leave.

- When you make a request for family and medical leave, we will require certification that the leave is necessary. We reserve the right to require a second opinion as to the necessity of the leave at our expense, as well as reports on your status and your intention to return to work. When your medical leave ends, we will require you to obtain appropriate certification that you are able to resume work as a condition of your return to work. Failure to provide us with timely certifications or reports as requested can result in a denial or delay of your request for leave.
- When you request FMLA leave, we will notify you whether you are eligible under FMLA and provide you with a notice of your rights and responsibilities. If you are not eligible, we will provide you with a reason for the ineligibility. If you are eligible, we will notify you whether your leave qualifies under FMLA and the amount of time that will be charged against your FMLA entitlement, if the calculation is possible.
- You are required to substitute all accrued paid leave for unpaid leave. Paid leave includes all vacation and sick leave, personal leave, disability leave and worker's compensation leave, if applicable. Thereafter, you will be permitted to take any remaining family and medical leave on an unpaid basis. The maximum amount of leave permitted (both paid and unpaid) is twelve (12) weeks in a twelve (12) month period measured backward from the date the employee first takes family and medical leave for all FMLA leave with the exception of military caregiver leave, which provides for a maximum of 26 weeks of leave in a single 12-month period. In other words, the combination of paid and unpaid leave may not exceed twelve (12) weeks (or 26 weeks if military caregiver leave). Accrual of leave benefits will be in accordance with Washington College's policy relating to paid and unpaid leave.
- An employee taking family leave will be allowed to continue participating in any health and welfare benefit plans in which he or she was enrolled prior to the first day of leave. If you are paying for any of those benefits, you must make arrangements with

Human Resources to continue payments during any extended periods of leave. Employees who choose not to return from leave will be required to pay Washington College a portion of the premium payment, unless the reason for not returning is due to the continuation of their own illness or other circumstances beyond their control.

In general, eligible employees granted leave will be returned to the same position held prior to the leave or one that is substantially equivalent in pay, benefits and other terms and conditions. Employees who do not return to work at the end of the leave, and who are not eligible for any other kind of leave, will normally be separated from employment.

Washington College will not interfere with, restrain or deny the exercise of any right under FMLA, and will not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. Please see the FMLA notice posted in Human Resources for more information. Please direct all complaints under this policy to Human Resources, or if you are not comfortable complaining to Human Resources, to the Chief of Staff.