

# THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve weeks of unpaid leave in a twelve-month period for specified family and medical reasons.

The information listed below is a summary of the highlights of the FMLA. In any particular case, the precise rights and obligations of employees and Life University are governed by the law itself.

## ELIGIBLE EMPLOYEES

Employees are eligible if they have worked for Life University for at least one year and for 1,250 hours over the previous twelve months.

## TWELVE MONTH PERIOD

Life University utilizes a rolling twelve-month period in which an employee is entitled to the twelve weeks of FMLA leave. Available leave is measured backward from the date FMLA is taken in any twelve (12) month period.\*

## REASONS FOR TAKING LEAVE

Employees are entitled to take FMLA leave:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, child or parent who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the employee's job.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider. "Serious health condition" is further defined in 29 C.F.R. § 825.114.

## NOTICE REQUIREMENTS

An employee needing leave is required to provide Life University with notice of the need for leave. The notice must include:

1. Sufficient information for Life University to determine that the reason for the requested leave is FMLA-qualifying. Failure to provide the reason for leave may result in the denial of leave; and
2. The anticipated timing and duration of the leave.

The notice of the request for leave must be provided to Life University as follows:

1. Thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable;
2. As soon as practicable when the need is not foreseeable. "As soon as practicable" normally means at least verbal notice within one or two business days of learning of the need to take FMLA leave; or
3. As defined by the leave policies in A Guide to Employees at Life University and as revised.

Failure to provide timely notice may result in delay of or denial of the leave and/ or cause the absence to be considered unexcused, which could subject the employee to disciplinary action up to and including discharge.

**LEAVE REQUEST FORMS ARE AVAILABLE IN LIFE UNIVERSITY'S HUMAN RESOURCES DEPARTMENT.**

An employee taking FMLA leave must report to Life University on a periodic basis his or her intent to return to work. An employee who learns that additional FMLA leave needs to be taken after the anticipated return date, must inform Life University of the need for the extension within two business days of learning of the need for the extension. An employee who learns that he or she is able to return to work earlier than expected must notify Life University of this fact no later than two days prior to the anticipated return date.

## HOW LEAVE MAY BE TAKEN

FMLA leave may be taken on a continuous, intermittent or reduced schedule basis. Employees who request FMLA for planned medical treatment must consult with their supervisors to make a reasonable effort to schedule the leave so as not to disrupt Life University's operations.

FMLA leave is unpaid. Life University elects to start the employee's FMLA leave on the first date of absence and to require that the employee apply earned and accrued paid vacation, emergency, personal, sick and/or medical leave toward the twelve-week FMLA period. When an employee takes leave for his or her own "serious health condition," and that condition meets the requirements for workers' compensation, leave taken in conjunction with the workers' compensation injury will be counted as part of the employee's twelve-week FMLA entitlement.

## MEDICAL CERTIFICATIONS

Life University requires initial, subsequent and return-to-work certifications from a health care provider.

When leave is foreseeable, the initial certification must be provided to Life University prior to the time that the leave begins. When leave is not foreseeable, the initial certification must be provided to Life University within fifteen (15) days of the date that the employee learns of the need for FMLA leave.

For employees who are taking leave for periods in excess of thirty (30) days, subsequent medical certifications must be provided to Life University every thirty (30) days.

When an employee takes FMLA leave for his or her own medical condition, the employee must provide to Life University certification from the employee's health care provider that the employee is able to resume work. Failure to submit the certification will result in the delay of the employee's return to work.

## JOB RESTORATION RIGHTS

Upon return from FMLA leave, an employee will be restored to his or her prior position or to an equivalent position in terms of pay, benefits, responsibilities and authority, except in the following situations:

1. Where job elimination has occurred which would have resulted in the employee's termination or transfer to a new position or
2. The employee is a key employee and the reinstatement will result in serious economic injury to Life University. When a determination of serious economic injury has been made, Life University will notify the key employee as soon as possible.

## BENEFITS PROTECTION

The employee is entitled to receive health care benefits during FMLA leave under the same conditions as the employee is currently receiving the benefits. If an employee is presently paying dependent coverage, the employee must continue to pay the premium for the dependent coverage during the FMLA leave.

## CONTACT PERSON

Employees with questions about their rights and obligations under the FMLA are encouraged to contact Life University's Human Resources Department at extension 2930 (770-426-2930)

**Life University Human Resources: 770-426-2930**