



MOLLOY UNIVERSITY

Policy # HR.306
Family and Medical Leave Act
Responsible VP: VP for Finance,
Treasurer
Responsible Office: Human
Resources
Approved By: Cabinet
Approved: 07/01/2022
Effective Date: 07/01/2022
Scope: All Employees
Last Revised: 09/01/2014
Last Reviewed: 07/01/2022

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) weeks of unpaid leave for certain family and medical reasons during a twelve (12) month period. The FMLA was designed to provide job security for eligible employees and may run concurrently with any paid leave accruals.

To be eligible for FMLA leave, an employee must have been employed by Molloy University: for at least twelve (12) months (which need not be consecutive); and have worked at least 1250 hours during the twelve (12) month period immediately preceding the commencement of the leave.

An eligible employee may take FMLA leave for any one of the following reasons:

- The birth of or to care for a newborn child (within one year of birth);
- Placement of a child for adoption or foster care or to care for the newly placed child (within one year of placement);
- To care for a spouse, child, parent or parent-in-law with a serious health condition; or
- For the employee's own serious health condition.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

An eligible employee can take up to twelve weeks of FMLA leave during any twelve-month period. The twelve-month period is considered "rolling" and is measured backward from the date the employee takes any FMLA leave.

FMLA leave may be taken intermittently or on a reduced work schedule. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule is a leave schedule that reduces an employee's usual number of hours per work week or hours per workday. When an employee takes leave intermittently or on a reduced work schedule basis, he or she must attempt to schedule the leave so as not to unduly disrupt the University's operations. In addition, an employee who takes FMLA leave on an intermittent or reduced work schedule for foreseeable planned medical treatment may be temporarily transferred to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.

When leave is foreseeable, the employee should provide at least thirty (30) days advance notice of such leave. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is possible. The request forms for FMLA leave are available in the Human Resources Department. An employee will be required to complete and submit a Request for Leave form and have a health care provider complete and submit a Medical Certification form that documents the

need for FMLA leave. When leave is taken to care for a family member, the employee must also provide documentation or statement of family relationship. Human Resources may request a second opinion by an independent University designated provider at University expense. If the initial and second opinions differ, the University may, at its expense require you to obtain a third, final, and binding certification from a jointly selected health care provider. The Human Resource Department will notify the employee that leave has been designated as FMLA leave.

While on FMLA leave, employees are requested to report periodically to the Human Resource Department regarding the status of their medical condition and their intent to return to work. In addition, the University may request that employees provide re-certification of a serious health condition at intervals in accordance with the FMLA.

The FMLA provides eligible employees with up to 12 weeks of unpaid leave. However, if an employee is eligible to take paid vacation, sick, or extended sick leave, they must use paid time first and take the remainder of the twelve weeks as unpaid leave. An employee who is taking FMLA leave for their own serious health condition or physical recovery due to the birth of a child must use all paid sick and vacation time before being eligible for unpaid leave. An employee taking FMLA leave because of the serious health condition of a family member or for the adoption, foster care placement or care of a newborn child must use all paid vacation time prior to being eligible for unpaid leave. Any paid leave for an FMLA qualifying reason will be charged against your entitlement for FMLA leave.

During the leave period, Molloy University shall maintain coverage for the employee under its group health plan under the same conditions of coverage as would have existed had the employee continued in employment for the duration of the family or medical leave. If the employee makes contributions toward their group health plan, then the employee must continue to make these contributions during the leave period on the dates he or she would normally make these contributions. The University may terminate the employee's health care benefits if the employee fails to make a contribution within thirty (30) days of the date it is due.

Upon receiving medical clearance to return from FMLA leave, the employee will return to the same position held before the leave or to an equivalent position with equivalent pay, benefits and other employment conditions.