

## **LEAVE POLICIES**

### **A. Sick Time Accrual and Salary Continuation under the Short-Term Disability Leave Policy**

The College provides sick time accrual to non-exempt employees as a benefit of working at the College and as a means to accrue adequate sick time in order to continue salary for short-term disabilities up to six months in duration.

Full-time regular employees with at least six months' service with the College are eligible for salary continuation under the College's Sick Time Accrual and Short-term Disability Leave Policy. An eligible employee who is medically disabled and unable to perform his/her duties due to a non-occupational illness or injury may be eligible for up to six months of paid leave and benefits within any rolling 12-month period measured back from the start date of the disability leave.

Qualification for paid leave and benefits under this policy is subject to written medical certification by a licensed physician and authorization by the College's designated third party administrator who will recommend eligibility for benefits and reserves the right to recommend other medical opinions and to deny or terminate such benefits on behalf of the College.

Employees on approved disability leave will first use accrued sick time, with the exception of five sick days, which the employee may elect to use or not use to continue salary at 100%.

After exhaustion of sick time, employees may also apply for salary continuation at 100% under the College's Short-term Disability Policy. FMLA and disability leave run concurrently so that the total amount of leave cannot exceed 12 or 26 weeks. Vacation and sick leave accrual will not accrue during the period of FMLA or short-term disability leave.

Employees with anticipated disabilities should promptly notify their respective department and the Office of Human Resources of the anticipated date of disability in order to plan staffing during the disability leave.

If approved, the College will continue salary and benefits pursuant to the Short-Term Disability Policy. During the disability leave, employees will continue to pay for any elected benefits requiring a contribution (i.e. medical, dental, vision).

If an employee is unable to work due to disability for more than six consecutive months, he/she may be eligible for long-term disability benefits. Application should be made during the fourth or fifth month of disability in order to allow adequate processing time. For further information on the Long-Term Disability Plan, please refer to Section E below.

### **Disability Leave Due to Childbearing**

Periods of disability related to pregnancy and/or childbirth are treated like any other disability. Generally, an employee who gives birth without complications would be eligible for at least six weeks of paid disability leave with benefits and salary continuation at 100% under the College's Short-Term Disability Leave Policy as outlined above.

Once the College is notified of the employee's pregnancy, the College will request an indication of when the employee expects to go on disability leave in order to plan staffing during the leave. Should medical complications arise before or after the birth, the employee would be eligible for additional paid disability leave under the Short-Term Disability Leave Policy for reasons of medical necessity as determined by a licensed physician, not to exceed six consecutive months. In determining disability due to pregnancy and/or childbirth, the employee's doctor's medical opinion will govern both before and after delivery.

### **B. Other Paid Leaves of Absence**

In addition to the Short-Term Disability Leave program described above, Allegheny College provides eligible employees with the following leaves of absence without the loss of pay or benefits:

1. Childcare Leave (November 1, 2011) – An employee whose spouse or partner gives birth is entitled to five work days of leave immediately following the birth with no loss of pay or benefits. An employee may request additional unpaid time off beyond the five work days under the College's Family and Medical Leave Act Policy in Section F below.
2. Jury Duty – Allegheny College will pay each eligible employee's regular salary when an employee must and does serve as a juror. This will apply no matter how long the trial lasts. Proof of service will be required. To qualify for jury duty pay and leave, an employee must immediately notify the College after receiving initial notice that he or she is to serve as juror. The employee must also return to work no later than the day following termination of service as a juror. Time off for jury duty leave shall count as hours worked for overtime calculation purposes.
3. Military Reserve Leave – Members of the National Guard or a reserve branch of the U.S. Military Service will be given a leave of absence with pay, not to exceed fifteen (15) days in one calendar year, to attend authorized training.
4. Bereavement Leave – The College grants full-time regular employees a maximum of up to three consecutive days of paid leave when death occurs in an employee's immediate family. Immediate family includes spouse, domestic partner, children, grandchildren, parents, parents-in-law, brothers

and sisters, grandparents, grandparents-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-children, or step-parents. Vacation time, personal time, or time off without pay may be arranged to attend the funeral of a close friend or relative not specified. Time off for bereavement leave will not count as hours worked for overtime calculation purposes.

**C. Unpaid Leaves of Absence**

Allegheny College provides full-time employees with the following leaves of absence without loss or interruption of continuous service but without pay or benefits or continued benefit accrual (unless otherwise required by law):

1. Personal Leave – At the sole discretion of the College, employees may be granted an unpaid leave of absence to attend to personal matters as provided in the respective employee handbook for faculty, administrative or staff employees. Certain fringe benefits may be maintained during a leave without pay, at the employee’s expense. Employees are eligible for a personal leave after completion of one year of employment with Allegheny.
2. Military Leave – A full-time regular employee who leaves the College to enter active duty in any of the armed forces of the United States for a period of not more than five (5) years will receive military leave without pay and reinstatement to the same or similar position upon satisfactory completion of military service. The application for reinstatement to College employment must be made within ninety (90) days following separation from active military duty. Allegheny College will continue to comply with all applicable laws regarding the reemployment of veterans.
3. FMLA Leave – The College will comply with the provisions of the federal Family and Medical Leave Act (FMLA). The College’s FMLA Policy is included in Section F to this policy.

**D. Occupational Illness/Injuries – Workers Compensation**

For work-related illnesses or injuries, Allegheny College, at its expense, provides coverage to employees pursuant to the Pennsylvania Workers’ Compensation Law. The amount of benefits is determined by state law. All employees are covered from date of hire, including part-time and temporary employees.

To the extent that an employee suffers a job related accident or illness, he/she must notify the Human Resources Office as soon as possible so that necessary reports and claim forms may be completed and submitted to the insurance company on the employee’s behalf.

E. **Long-Term Disability Insurance Benefit (revised October 1, 2009)**

The College provides Long-Term Disability Insurance for eligible full-time employees. Full-time employees will be enrolled in the Long-Term Disability Insurance Plan on the 1<sup>st</sup> of the month following hire date.

Eligibility for benefit payments are determined by the insurance carrier. Please view your Certificate of Coverage for more detailed information.

Medical continuation coverage under COBRA will be offered to the disabled employee effective the date of permanent disability. The College will continue to pay its portion of the premiums for the disabled employee's health insurance coverage during the period of COBRA coverage, and the employee will be responsible for his/her portion of the premium under the same terms as offered to Allegheny employees.

F. **Family and Medical Leave Policy (revised February 2009)**

This policy is intended to comply with the Family and Medical Leave Act of 1993 (FMLA) and shall be construed consistently with the Act and any applicable regulations.

**Eligibility**

Employees are eligible for unpaid family and medical leave (“FMLA leave”) under this Policy if they have been employed by Allegheny College for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave, measured back from the date the leave commences.

**Coverage- When Leave Can be Taken**

The Act provides to eligible employees up to twelve (12) workweeks of **unpaid** leave within a twelve-month period for reasons #1 to 4 below and up to twenty-six (26) workweeks of **unpaid** leave for reason #5 below:

1. The birth or adoption of a child, or the foster care placement of a child;
2. To attend to the serious health condition of a spouse/partner, child or parent;
3. To attend to employee’s own serious health condition;
4. To attend to a qualifying exigency arising out of the employee’s spouse, child or parent’s active duty or impending call to active duty status in the Reserves or National Guard in support of a contingency operation (an action or operation against an opposing military force); or
5. To attend to the care of a spouse, child, parent, or next of kin (nearest blood relative) of a covered service member (current member of the Armed Forces, National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty (Caregiver Leave\*\*).

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either: 1) inpatient care in a hospital, hospice, or residential care facility, or 2) continuing treatment by a health care provider. A health care provider is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices, or any other person determined by the Secretary of Labor to be capable of providing health care services.

**Duration of Timing of Leave**

The College will grant an eligible employee unpaid FMLA leave up to 12 weeks for reasons 1 – 4 above and up to 26 weeks for reason 5 above in any 12-month period measured backward over the prior year from the date in which the FMLA leave is to commence. This is known as the “rolling look back year” leave basis.

Caregiver Leave (#5 above), when combined with other FMLA qualifying leave, may not exceed 26 weeks in any 12-month period noted above.

Because leave under the Family and Medical Leave Act is an entitlement by Federal Law, the Human Resources Office will be responsible for tracking of family leave for all employees.

The right to such a leave for reasons of the birth or adoption of a son or daughter expires at the end of 12 months following the birth or placement. In case of leave to care for a sick family member or a leave necessitated by a serious health condition, the leave may be taken intermittently or on a reduced leave schedule when medically necessary subject to the above limit of 12 workweeks and to the certification requirements of this Policy.

### **Spouse Working for the College**

In the event that an employee and spouse/partner are both employed by the College, the leave available for birth, adoption, foster child placement, care for a family member, or family member's call to active duty will be limited to a combined 12-week period of time; and is limited to a combined 26-week period of time for Caregiver Leave or Caregiver Leave taken in combination with the other forms of eligible FMLA leave previously noted in this paragraph.

### **Caregiver Leave**

For purposes of Caregiver Leave, next of kin is the nearest blood relative, other than the covered service member's spouse, parent, son or daughter, in the following order of priority:

1. Blood relatives who have been granted legal custody of the service member by court decree or statutory provisions.
2. Brothers and sisters.
3. Grandparents.
4. Aunts and Uncles.
5. First cousins.

If the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Caregiver Leave, that family member will be deemed next of kin. In such circumstances, only that designated next of kin may take FMLA leave to care for the covered service member. When a covered service member does not make such a designation, and there are multiple family members with the same level or relationship to the covered service member, all such family members shall be considered the covered service member's next of kin. The College requires the employee to provide reasonable documentation of the family relationship.

### **Intermittent Leave**

Intermittent or reduced schedule FMLA leave will be granted if medically necessary for a serious health condition of an employee, or employee's spouse/partner, child, or parent. FMLA leave may also be taken intermittently or on a reduced hour's basis for reasons relating to a family member's military active duty or when an employee needs to care for a family member who has incurred an injury or illness while on active duty. The following certifications will be required for intermittent or reduced schedule FMLA leave:

- Where the leave is for planned medical treatment, the College will require certification from the attending health care provider of the medical necessity for an intermittent or reduced schedule leave and of the treatment's anticipated duration;
- Where the leave is for ill family members, a physician's statement that this type of leave is necessary for the care of the family member, or will assist in a family member's recovery, and the expected duration and schedule of the intermittent or reduced schedule leave will be required.
- When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the College's operations.
- Where intermittent or reduce schedule FMLA leave is requested, and is based on a foreseeable schedule of planned medical treatment, the College reserves the right to temporarily transfer an employee to an available alternate job which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the employee's regular position.

### **Compensation During FMLA Leave**

FMLA leave is without pay except as set forth in this paragraph. Where permitted by the Act, employees may use available vacation and personal days to which he or she is entitled for all or any portion of the FMLA leave, provided that the eligibility requirements for such paid days off are satisfied.

Sick days must first be used for FMLA leave related to the employee's own health condition. Sick days may also be used for the care of a spouse/partner or dependent child living at home, provided that the "Certification of Health Care Provider for Family Member's Serious Health Condition" is completed by the attending physician.

Whatever paid leave is used will count against the 12 or 26 weeks of the allowable FMLA, so that an employee will be eligible for up to a total of 12 or 26 weeks of FMLA and/or disability leave, including both paid and unpaid leave time, as applicable. Vacation and sick leave does not accrue during the period of FMLA or disability leave.

### **Continuation of Benefits**

Allegheny College will maintain group health insurance coverage, life insurance, and long-term disability insurance for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Any employee required contributions to benefits must be maintained by the employee during the leave time. This may be accomplished in one of several ways:

- a. The employee may pay monthly; or
- b. The employee may authorize the College to pre-deduct the contributions from the last paycheck prior to the scheduled leave.

If option (a) is selected, payment will be due on the 1<sup>st</sup> of the month and must be received within 30 days of the due date in order to avoid cancellation of coverage.

Allegheny College may recover premiums it paid to maintain health insurance, life insurance, and long-term disability coverage for an employee who fails to return to work from FMLA leave for reasons other than continuation, reoccurrence, or onset of a serious health condition, or any circumstance beyond the control of the employee.

### **Job Restoration**

Upon return from FMLA leave, an employee will be restored to the position held when FMLA leave began, or to an equivalent job with equivalent pay, benefits, seniority, and other terms and conditions of employment. However, Allegheny College reserves the right to withhold restoration of employment when allowed by law. This may occur when, for example, an employee would not otherwise have been employed at the time reinstatement is requested or, for salaried employees who are among the highest paid 10% of employees, when restoration to employment will cause substantial and grievous economic injury to the College's operations.

In all cases where the employee's FMLA leave is for personal medical reasons, the employee may return to work only after providing a medical certification stating that the serious health condition which necessitated the FMLA leave no longer renders the employee unable to work.

Failure to return to work at the end of an approved leave of absence may be considered a voluntary resignation.

### **Procedure for Requesting Family and Medical Leave**

Leave request forms are available in the Office of Human Resources. Failure to comply with the provisions may result in the delay of leave or denial of leave.

- ***Foreseeable Leave.*** Where leave is foreseeable, you must make a request for leave at least 30 days in advance. Where the leave is for reasons relating to a family member's military active duty and such leave is foreseeable, the employee must give notice as soon as is reasonable and practicable and provide a copy of the family member's active duty orders or other reasonable documentation.
- ***Unforeseeable Leave.*** Where advance notice of the need to leave is not possible (such as where there is an emergency need for medical treatment), then notice must be provided as soon as reasonably practicable with written documentation to follow.
- ***Scheduling Leave.*** Leave must be scheduled in such a fashion that it does not unduly disrupt the College's operations.
- ***Medical Certification and Examinations.*** Where leave involves a serious health condition for an employee's own health condition or for a family member, including a covered service member, the College requires a medical certification from the health care provider on a timely basis and on the form provided from the U.S. Department of Labor. The certification form is available in the Office of Human Resources or on the Human Resources Web site. Failure to provide the certification in a timely manner may result in denial of the leave until the certification is received.

The College reserves the right to require a second opinion. If requested, the College will pay for the examination. If the two opinions conflict, a third opinion by a mutually agreed upon health care provider will be considered. This opinion will be final and binding and paid for by the College.

- ***Qualifying Exigency Certification:*** Each time an employee first requests leave for one of the qualifying exigencies, certification by the employee is required. The certification process will include, but may not be limited to, providing a copy of the covered military member's active duty orders or other military documentation showing active duty status or notification of an impending call to active duty.
- ***Reporting While on Leave.*** While you are on leave, the College may require you to report periodically on your status and intent to return to work.
- ***Fitness for Duty Report.*** If you have taken medical leave of more than 5 consecutive days as a result of your own serious health condition, then you must provide a fitness for duty certificate before returning to work.
- ***Designation of Leave.*** If you apply for FMLA leave, the College will notify you in writing as soon as possible whether the leave qualifies as FMLA leave. If the leave does qualify as FMLA leave, you will also receive a Notice of

Eligibility and Rights & Responsibilities as required by the U.S. Department of Labor.

There may be times when you are absent under circumstances that would qualify as FMLA leave, and you have not specifically applied for FMLA leave. The College has the right to designate such absences as FMLA leave.

FMLA leave will run concurrently with all FMLA qualifying leaves, including but not limited to, workers' compensation and short-term disability.

### **Administration**

The College is the sole administrator of this policy and, as such, is the exclusive interpreter of its terms. All provisions of this policy will be consistent with the Family and Medical Leave Act of 1993. The College reserves the right to amend or change this policy at any time consistent with the rules and regulations of the Family and Medical Leave Act of 1993. This policy does not grant or create any employment rights to any individual other than that which is stated in this policy or subject to interpretation from the Family and Medical Leave Act of 1993.