

FLORIDA NATIONAL COLLEGE
FAMILY AND MEDICAL LEAVES OF ABSENCES

Florida National College will grant Family and Medical leaves in accordance with the requirements of the applicable state and federal law in effect at the time the leave is granted. Florida National College will refer to these leaves as “FMLA leaves”. No greater or lesser leave benefits will be granted than those mandated by state and federal laws.

Employees eligible for FMLA leave must have worked at Florida National College for a minimum of 12 months, must have worked at least 1,250 hours during the 12 months prior to the leave, and work at a location where at least 50 employees are employed by the institution within 75 miles as of the date the leave is requested.

Employees of Florida National College may take up to 12 weeks (or 26 weeks, if applicable) of unpaid leave during a calendar year for the following reasons:

- **Bonding Leave** -The birth, adoption or foster care of an employee’s child within 12 months following birth or placement;
- **Family Care Leave** - Care of a child, parent or spouse who has a serious health condition;
- **Serious Health Condition Leave** - Your inability to work because of your own serious health condition.
- **Military Emergency Leave** - A “qualifying exigency,” as defined under the FMLA, arising from a spouse’s, child’s, or parent’s “Covered Active Duty” as a member of the military reserves, National Guard or Armed Forces. **“Covered Active Duty”** means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.
- **Military Caregiver Leave** - to care for a spouse, child, parent or next of kin (nearest blood relative) who is a “Covered Servicemember”. **“Covered Servicemember”** means, (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated

in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties, or (2) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released there from under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs"), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. **Note: If the employee is taking Military Caregiver Leave, the employee may take a combined total of 26 weeks of unpaid leave during a single 12-month period.**

In the case of Military Caregiver Leave, a "single 12-month period" begins on the date of your first use of such leave and ends 12 months after that date.

When both spouses work for Florida National College and are eligible for leave under this policy, (1) if the spouses seek leave for Bonding Leave or Family Care Leave to care for a parent, the spouses will be limited to a total of 12 workweeks off between the two of them; (2) if the spouses seek leave for Military Caregiver Leave only, or for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent, the spouses will be limited to a total of 26 workweeks off between the two.

When the need for FMLA leave is foreseeable, employees must provide Florida National College with 30 days advance notice, or if the leave must begin in less than 30 days, such notice as is both possible and practical. When the need for FMLA leave is not foreseeable, employees must provide notice of the need for leave within the time provided in the applicable call-off procedure, or if that is not possible due to unusual circumstances, employees must provide notice as soon as is possible and practical.

In addition to the requirement of providing notice through normal call-off procedures (when applicable), requests for Family and Medical leaves should be submitted in writing to your immediate supervisor and to the Campus Deans' Office. Medical certification will be required prior to approval of Family Care, Serious Health Condition and Military Caregiver leave and forms must be received within the allotted time period (absent extenuating circumstances) in order to process your request. You will receive a response from the Dean's Office letting you know if your leave has been approved according to state and/or federal laws.

Florida National College will continue your medical insurance, and any benefits you presently have as an active employee, as long as you continue to pay in a timely manner your share of the premiums.

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time. Leave taken intermittently may be taken in increments of no less than one hour.

The FMLA leave will continue until the end of the health condition or other reason requiring the leave, the end of the certification or the end of the 12- or 26-week period, whichever comes first. Under most circumstances, at the conclusion of your approved FMLA leave you will be reinstated to the same position held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement. You also may not be entitled to reinstatement if you are a “key employee,” as defined by the FMLA.

Employees are expected to provide prompt notice to the institution of any change(s) to an employee’s return to work date. Accepting or continuing other employment while on leave that is contrary to the restrictions indicated on the FMLA certification, or filing for unemployment benefits while on leave may be treated as a voluntary resignation from employment. Additionally, if the employee does not return to work when the approved FMLA Leave ends, Florida National College will consider this action as a voluntary resignation of employment effective on the return to work date, unless arrangements have been made to extend your leave of absence under another FNC policy or applicable law.

Generally, FMLA Leave is unpaid. However, you may be eligible to receive benefits through applicable wage-replacement benefit programs. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued vacation time, provided you obtain approval pursuant to Florida National College’s vacation policy. If you are not otherwise eligible to receive wage-replacement benefits during your FMLA leave, Florida National College will require the use of all accrued sick time to cover some or all of the FMLA leave, to the extent consistent with the institution’s sick leave policy. You also may elect to supplement wage-replacement benefits with accrued sick time. All such payments will be integrated so that you will receive no more than your regular compensation during this period. The use of paid benefits will not extend the length of a FMLA Leave.

Additional Information Regarding FMLA

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this policy.

Please refer any questions about Florida National College’s Family and Medical Leave policy to the Office of the Deans.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. 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 that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is 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 than 3 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.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

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