Manchester College complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

**Policy:**

**Eligibility:** An eligible employee of Manchester College may request Family and Medical leave. To be eligible, an employee must have been employed by Manchester College

- at least 12 months, and
- Must have worked for at least 1,250 hours in the last 12 months immediately preceding the date the requested leave is to begin.

An employee may request Family and Medical Leave for the following reasons:

- **Parenting Leave:** This type of leave can be taken by an employee for the birth, adoption or foster placement of a child, and to care for a newborn child.
- **Family Medical Leave:** This type of leave can be taken by an employee to care for the employee’s spouse, child or parent with a serious health condition.
- **Employee Medical Leave:** This type of leave can be taken by the employee for his or her own serious health condition, if the condition renders the employee unable to perform his or her job functions and will result in more than three days absence.

The FMLA and its interpretive regulations define terms and establish rules for each of the types of leave. For example, an employee may only take Parenting Leave during the 12 month period that begins on the date of the birth, adoption or placement. In addition, for purposes of the Family Medical Leave a “parent” does not include parents-in-law. “Son” or “daughter” means a biological, adopted or foster child, a stepchild or legal ward of the employee, or a child whom the employee stands in place of his or her parent who is either under age 18, or is over age 18 and is incapable of self care because of mental or physical disability.

**Serious Health Condition:** An eligible employee or his or her spouse, child or parent has a serious health condition. Such a condition includes any injury, illness, or physical or mental condition that requires either in-patient care in a medical facility (i.e., overnight hospitalization), or continuing treatment by a health-care provider on at least two occasions concerning the health condition, and that the condition results in more than three days’ absence from regular daily activities, including work or school, or, if not treated, would likely lead to such an absence.
**Duration of Leave:** An eligible employee is entitled to a total of twelve (12) workweeks of unpaid leave during a twelve (12) month period. The twelve (12) month period for purposes of the Policy is a rolling twelve (12) month period measured backward from the date an employee uses Parenting, Family Medical or Employee Medical Leave. Each time an employee takes leave under this Policy, the remaining leave available would be any balance of the twelve (12) weeks which has not been used during the immediately proceeding twelve (12) months.

**Compensation for FMLA Leave:** Generally, FMLA leave is unpaid leave, however, an employee who requests a Family and Medical Leave must use any accrued vacation time during the leave in increments at least equal to the amount of hours the employee is regularly scheduled to work each pay period.

**Intermittent or Reduced Schedule Leave:** An employee, under certain circumstances, may take intermittent or reduced schedule leave in increments of no less than one hour. “Intermittent Leave” generally means leave taken on an occasional basis for such reasons as medical treatments. “Reduced schedule leave” means a temporary, but regular, change in the employee’s usual number of hours per day or hours per week, if an employee takes a Parenting Leave; the employee is not entitled to take leave intermittently or on a reduced schedule. For Family Medical and Employee Medical Leave, the employee may take an intermittent or reduced schedule leave if it is medically necessary. An employee must provide to Manchester College the certification that a medical need for leave exists and that the medical need can be best accommodated through an intermittent or reduced schedule leave. The company may require the employee to transfer temporarily to an available alternative position, with equivalent pay and benefits, for which the employee is qualified and which better accommodates intermittent or reduced scheduled leaves.

**Notification Requirements:** An employee must notify his or her supervisor and Human Resources of his or her desire for a Family Medical, Employee Medical or Parenting Leave at least (30) days before the date the leave is to begin by requesting and completing a “Request for Leave” form. If an employee fails to give (30) days notice for a foreseeable leave with no reasonable excuse for the delay, Manchester College may delay the leave at least thirty (30) days after the date the employee provides notice of the need for leave. Where the leave is not foreseeable, as in cases of medical emergency or unexpected changed circumstances, the employee must give notice as soon as practicable (within two business days) after the employee is aware that he or she needs to take leave. “Request for Leave” forms may be obtained in the Office of Human Resources. Human Resources will provide the employee with a Leave Notice explaining certain rights and responsibilities of the employee regarding Family and Medical Leave.
**Medical Certification Forms**: An employee’s request for Family Medical or Employee Medical leave must be supported by a written certification. This form must be completed and signed by a health care provider and verify that the employee requires FMLA leave. This certificate must be returned to Human Resources within (15) days after the employee requests the leave. Medical certification forms are available in Human Resources.

After an employee submits the required medical certification, Manchester College may require the employee to obtain a second opinion from a provider of Manchester Colleges’ choice (at its’ expense) if there is a question as to the validity of the certification provided by the employee. If there is a difference between the two opinions, Manchester College can require a third opinion from a mutually agreeable health care provider at no cost to the employee, which shall be final and binding.

During the leave an employee will be required to report periodically on his or her status and intent to return to work. Employees on a Family Medical Leave may also be required to submit a recertification every thirty (30) days or sooner if: (1) an extension of leave is requested; (2) circumstances have changed significantly; (3) there is a doubt of the validity of the certification; or (4) the employee is unable to return to work at the end of the leave.

**Benefits**: An employee on an approved Family and Medical leave may continue benefits at the same premiums he or she normally pays for them. Premium payments should be made to Manchester College on the first of every month. The Office of Human Resources will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage. An employee that chooses not to continue benefits during the leave, upon return to work, providing the leave does not exceed the allotted 12 weeks, will be immediately eligible for those benefits and it will be as though there were no lapse in coverage. For example, deductibles and co pays will not start over, etc. An employee who fails to return to work after the expiration of FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse Manchester College for health-care premiums paid by the College during the leave period.

**Reinstatement**: At the conclusion of leave under this Policy, an employee will be restored to the same position held at the beginning of the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment provided the leave does not exceed twelve (12) weeks and the position still exists within the organization. Certain salaried, key employees may be denied restoration if their reinstatement would cause substantial and grievance economic injury to Manchester College. If during the Family and Medical Leave a lay off or other event occurs that would have changed or even eliminated, the employee’s job had he or she not taken leave, the returning employee will not have greater rights than if the employee had been continuously employed during the Family and Medical Leave. Manchester College will determine whether the employee will be restored to the same position or to an equivalent position.
**Denial of FMLA**: An employee’s rights to FMLA leave may be delayed or denied if: (1) timely advance notice of a foreseeable leave is not given; (2) timely submission of a required medical certification is not made by the employee; (3) the employee fails to provide required fitness-for-duty certification; (4) the employee expresses his or her intention not to return to work; (5) the employee fraudulently requests and obtains FMLA leave; or (6) the employee violates other established leave policies prohibiting outside or supplemental employment while on leave.

**Nondiscrimination /No retaliation Policy Statement**: Manchester College will not: (1) interfere with, restrain or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any proactive made unlawful by the FMLA; (3) discharge or discriminate against any person for his or her involvement in any preceding under or relating to the FMLA.