

Family Medical Leave Act (FMLA) Leave

Eligibility. Under the Family Medical Leave Act (FMLA) as set forth by the Department of Labor, an employee who has been employed for a total of 12 months and has worked at least 1,250 hours during that time is eligible for time off for the following reasons:

- for the birth and care of a newborn child of the employee;
- for the placement with the employee of a child for adoption or foster care;
- to care for a spouse, child, or parent with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for the qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on active duty or is called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Procedure for requesting leave. An employee must give notice of an FMLA leave to the supervisor and the Human Resources Department.

- An employee is required to provide a 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If the 30-day notice is not practicable, the employee must provide notice as soon as possible.
- The employee also is required to provide medical and/or other evidence of the need for the leave, and the Seminary may request that the employee be examined by a healthcare provider approved by the Seminary to confirm the need for leave.
- All medical certifications of an employee's serious health condition are sent to the Human Resources Department and not to the employee's supervisor.

Length of leave. Employees are eligible for up to 12 weeks of leave in a 12-month period.

- A family or medical leave may not exceed 12 weeks in any 12-month period. When necessary, the employee may take leave on an intermittent basis or in the form of a shorter work week.

- An employee who has a child, spouse, parent, or next of kin with a serious injury or illness who is a current member of the Armed Forces, including a member of the National Guard or Reserves, is eligible for up to a total of 26 work weeks of leave during a single 12-month period.
- When an employee and their spouse both work for the Seminary and are both eligible for family or medical leave, the maximum leave for the birth of a child, for adoption or foster care, or to care for a parent is a combined total of 12 work weeks (or a total of 26 work weeks if the leave is to care for a covered service member with a serious injury or illness).
- The Seminary uses the 12-month rolling method, also known as the look-back method, to track an employee's FMLA eligibility for any 12-month period. A 60-day notice will be provided if the Seminary chooses to change this method of tracking.
- During leave, an employee may be required to provide periodic reports on their ability to return to work.

Return-to-work rights. Employees returning from family or medical leave return to the same position (or to an equivalent position and the same salary/benefits, unless an increase has gone into effect), as if the leave had never been taken. If the leave is for an employee's own illness, they are required to provide acceptable evidence of the ability to return to work.

Salary and benefits during FMLA. Depending on the reason and length of the leave, employees may continue to receive salary and benefits as listed below:

- *Personal maternity:* an employee receives six weeks of paid leave, after which the employee uses accrued sick leave and then accrued vacation time to make up to 12 weeks of leave.
- *Personal illness:* an employee uses accrued sick leave first, followed by up to six weeks of paid leave and then accrued vacation time to make up to 12 weeks of leave.
- *Family need:* an employee uses sick leave and then vacation time when it is necessary to provide personal care to a family member.
- In the event that all accrued sick and vacation leave is paid out during a family or medical leave, additional time off for a cumulative total of 12 weeks may be taken without pay.
- An employee continues to receive insurance benefits during FMLA leave, even if they do not receive a salary for part of the time off. If applicable, arrangements are made for employees to pay their share of the insurance premiums.