

Employee Benefits and Leaves of Absence

Employment Classification for Purposes of Benefits

Full-time Faculty – Teaching at least 12 credits per semester

Part-time Eligible Faculty – Teaching at least 6 credits per semester

Part-time Ineligible Faculty – Teaching fewer than 6 credits per semester

General Benefits

Health Insurance: Mount Mary College makes a defined contribution (may change each year) to the premium for Full-time Employees who enroll in our health insurance plan.

Part-time Eligible Faculty may also enroll in the Mount Mary Health Insurance Plan, but there is no defined contribution and therefore employees must pay the full premium.

Enrollment in the plan is not automatic; employees must complete the application process. Open enrollment is held every November for benefits beginning January 1st. Contact the Human Resources Office for details of coverage, premiums and enrollment procedures.

Upon leaving the College (unless terminated for gross misconduct) employees may continue participating in the health insurance plan--in accordance with current COBRA laws, and will personally assume the full payment of the premium. Employees who retire early may continue their coverage beyond the COBRA time period until eligible for Medicare. For more information, contact Human Resources.

Dental Insurance: Full-time and Part-time Eligible Faculty may enroll in one of the College's dental plans, but must pay the full premium. The effective date shall be the first day of the month coincident with, or following, the employee's date of hire.

Enrollment in the plan is not automatic; employees must complete the application form.

Vision Plan: Full-time and Part-time Eligible Faculty may enroll in one of the College's vision plans, but must pay the full premium. The effective date shall be the first day of the month coincident with, or following, the employee's date of hire.

Enrollment in the plan is not automatic; employees must complete the application form.

"Flex-Benefits": Enables employees to pay insurance premiums pretax. All Full-time and Part-time Eligible Faculty who work a minimum of 1,000 hours per year are eligible to enroll in a (Flex 125) "Flexible Spending" or "Dependent Care" account whereby employees pay for out-of-pocket health, dental, vision and/or dependent care costs on a pretax basis. An employee determines how much to deposit into his/her account up to \$2500 maximum for a flexible spending account and \$5000 maximum for a dependent care account.

Eligible employees may enroll in a "Flexible Spending" or "Dependent Care" account on the date of hire and must enroll by the 1st of the month after one month of service or during open enrollment.

Every November there is an open enrollment for our Flexible Benefits program, which runs from Jan. 1 - Dec. 31 of each year.

Retirement Plan: Regular Full-time and Part-time Eligible Faculty may participate in our TIAA-CREF (Teachers Insurance and Annuity Association-College Retirement Equities Fund) Retirement Plan on a voluntary basis on the first day of the month after completing two consecutive years of service of 1,000 hours each without a break and attaining the age of 21.

For purposes of the participation requirements, the term "year of service" means a 12-month period starting with your date of employment--or anniversary date of employment--during which you complete 1,000 or more hours of service. If you do not complete 1,000 or more hours of service by the first anniversary of employment, the hours completed do not count toward establishing a year of service. You must make a new start toward meeting the hour's requirement during the second year of employment. You cannot begin participation in the Plan until you have completed two CONSECUTIVE years of 1,000 hours each. The Human Resources Office has summaries available which describe the plan in detail.

Note: See Human Resources for more information on eligibility associated with previous work at another educational institution.

The contract is between TIAA-CREF and the employee, therefore, the conditions of retirement are made between them. When an employee leaves the employ of the College, the contract is also transferred and all payments made constitute the principle of the fund. No part of it is refundable to the College. In order to participate the employee must formally enroll and contribute 5% of gross yearly wages and then the College contributes as follows:

to the employee who has completed from 2 to 7 years of service **	6%
to the employee who has completed from 8 to 16 years of service **	8%
after completing 16 years of service and beyond **	10%

** A year of service, as it applies to this contribution schedule, refers to each year the employee worked at least 1000 hours. Please contact the Human Resources Department for more information.

S.R.A.: Mount Mary College also makes available to all employees (except student employees) a tax deferred annuity program offered by TIAA-CREF.

Eligibility for this program begins the first day of the month after one full month of service. The College does not contribute to this plan. Summaries of the plan are available from the Human Resources Office.

Basic Employee Life and Accidental Death and Dismemberment Insurance: Mount Mary provides basic Employee Life and Accidental Death and Dismemberment (ADD) insurance at no cost to the employee. The benefit amount is equal to the employee's annual salary, rolled up to the nearest \$1,000 increment with a maximum benefit of \$50,000.

Short-Term Disability/Sick Pay: Mount Mary College provides Short-term Disability and Sick Pay to its Full-time and Part-time Eligible Faculty, where employees continue to receive their normal pay when absent for personal illness or certified disability, for up to 6 months***.

If absent for more than three consecutive scheduled workdays, the employee may be asked to provide written certification of illness from a doctor. An MM-107 form must be submitted to the Business Office.

Note: How long an employee's position will be "held open" will be based on the needs of the department

as determined by the supervisor, as well as the application of the Family and Medical Leave Act.

***If an employee has been receiving the MMC Short-term Disability for less than six months, for an injury or illness and returns to work, the employee may receive short-term disability for the remainder of the six months should the employee need to be off of work again for an injury or illness.

This remainder must be within twelve (12) months of the beginning of the original disability leave. In other words, an employee may only receive short-term disability for a maximum of six months in the twelve (12) month period beginning with the onset of the short-term disability leave.

Faculty Maternity/Paternity Leave Policy:

This policy addresses leaves of absence due to the birth or adoption of a child.

Full-Time Faculty may opt to take ONE of the below options:

1. Time off post-delivery or post-adoption with full pay and full benefits
2. Working half a full-time load with full pay and full benefits (faculty member may choose the semester)
3. Off a full semester with one-half pay and full benefits (faculty member may choose the semester)

Option 1

- For the birth mother, the length of time off approved under this option will be based on the medical documentation received by the physician. While the lengths of leave will vary, it is typically 6-8 weeks immediately following the date of delivery.
- For a spouse or for adoption, option 1 will be set at 6 weeks and the leave must occur within 12 months of the delivery/adoption date.

Options 2 or 3

- The faculty member can take option 2 or 3 within the 2 semesters directly following the birth or adoption of the baby.
- If the birth mother delivers during the current semester, she may be subject to a salary reduction of the portion of the contract unable to be fulfilled due to inability to work following delivery of the baby. However, the faculty member also has the option of returning to work during the current semester, if released to return to work by the physician and with approval from the Department Chair and VPASA.

If both parents are faculty members of the College, only one will be able to take advantage of the maternity leave provisions.

Any medically necessary time off due to reasons not related to delivery of a baby will be handled separately by the College's Short-Term Disability policy.

The specifics of pay and return-to-work for each leave will be evaluated on a case-by-case basis.

This policy will not interfere with an employee's rights under the State and/or Federal Family and Medical Leave Act (FMLA).

Long-Term Disability: Full-time Faculty may enroll in a Long-Term Disability Plan. Eligibility begins on the first day of the month after 1 month of service and benefits begin after 180 days of calendar disability. Mount Mary College contributes half of the monthly premium.

This plan does not start automatically; you must complete an application form to request coverage. Premiums are based on wages. Please see the Human Resources office for a summary of the plan.

Group Long-term Care Insurance: All employees who work at least 20 hours per week are eligible to enroll in the College's Group Long Term Care Insurance plan. Employees are eligible to enroll on the 1st of the month after 1 month of service and employees have 60 days after eligibility date to enroll in this plan. There is no premium contribution from the College towards this coverage.

Tuition Waiver: The primary purpose of the Mount Mary College tuition program is to guarantee that those employees who have made a commitment to Mount Mary have the opportunity for personal enrichment and can provide for their dependents a Mount Mary College education regardless of salary/wage level.

The opportunities and conditions for the tuition waiver program are generally available on a year to year basis. However, the administration reserves the right to change, adapt, or adjust the conditions and requirements as fiscal and environmental factors change. Tuition waiver is offered as a fringe benefit for those who meet the requirements and is available through the Human Resources office. Prior to the first course, employees and/or dependents must file an application form with the Admissions Office and be accepted.

Tuition waiver ends upon termination of employment at the College.

Any courses taken in pursuit of a Doctorial degree are not eligible for tuition remission.

Full-Time Faculty

- a) After 3 months of employment, Full-time faculty may register for up to 8 graduate or undergraduate credits per semester, including summer, on a space-available basis.
- b) Some specialized or practicum-type courses, such as music lessons, tutorials, field internships, etc., are not included in this tuition program.
- c) A tuition waiver form must be submitted with the registration form each semester. Forms can be obtained from Human Resources.
- d) All fees other than tuition and course fees are the responsibility of the employee. (Lab fees are excluded from Tuition Waiver).
- e) Classes should be taken outside the employee's normal work hours. If taken during work hours, prior approval of the supervisor and respective Council Member must be given.

100% undergraduate tuition waiver will be granted to **spouses and dependents** (as defined by the IRS) of **Full-time employees** upon the following conditions:

- a) Application for admission to the College must be made through the Admissions Office following the regular admission process.
- b) For dependents attending as full-time students, filing a Financial Aid Form (FAF) each academic year is a prerequisite for obtaining tuition waiver benefits. In the event that a student is receiving financial aid in addition to the College tuition waiver, the College reserves the right to determine the amount of the benefit. Note: For spouses attending as full-time students, a Financial Aid Form only needs to be completed the first year.
- c) Part-time students may not get tuition waiver for specialized courses indicated in (b) above.
- d) All fees and books are the responsibility of the student.
- e) Tuition Waiver is not granted for graduate courses.

Part-Time Eligible Faculty

- a) After 3 months of employment Part-time Eligible faculty may register for up to 4 graduate or undergraduate credits per semester.

- b) All other stipulations are the same as for Full-time faculty.
- c) Dependents of Part-time employees are not eligible for tuition waiver benefits.

CIC Tuition Exchange: Mount Mary College participates in a network of CIC (Council of Independent Colleges) member colleges willing to accept students from employee families of other colleges on the same basis as each college accepts other students. Each college in the network agrees to import a limited number of students from other participating colleges on a tuition free basis. Imported students are responsible for all other non-tuition charges (room, board, fees, etc.)

The following conditions apply:

- a) Applicants must first be admissible to the host institution in accordance with regular institutional admission standards and will be notified of the same.
- b) Applicants are required to complete all host institution requirements for filing of financial aid forms and award notices.
- c) Tuition Exchange Benefits will automatically be terminated if either the employee drops below Full-time or the importing and/or exporting college fail to renew their membership to the Council of Independent Colleges or pay the Tuition Exchange administrative fee.

Further information and Tuition Exchange application forms can be picked up from the CIC Tuition Exchange Liaison Officer (Vice President of Academic and Student Affairs) who must approve export applications as eligible.

Tuition Exchange ends upon termination of employment at the College.

Courtesy Tuition Discounts will be granted to the following:

- a) Alumnae with a baccalaureate degree from Mount Mary receive a 50% reduction on a maximum of 4 undergraduate credits each semester. They receive no reduction on graduate courses.
- b) School Sisters of Notre Dame not employed by Mount Mary College may take up to a maximum of 8 undergraduate or graduate credits each semester gratis on a space available basis.
- c) Senior citizens (62 or over) receive a 50% reduction for the first 4 undergraduate or graduate credits each semester.
- d) Retired former faculty and staff who are 62 or older and have worked at Mount Mary College at least 7 years full-time may take up to 8 undergraduate credits gratis each semester on a space available basis. Former employees who worked at least 7 years part-time (teaching at least 6 credit hours per semester or working an average of 20 or more hours per week) may take up to 4 undergraduate credits gratis each semester on a space available basis.

Discounts cannot be combined and do not apply to fees. These courtesy tuition discounts do not apply to summer session. Please see the summer bulletin for information regarding summer discounts.

Classes taken by faculty should be taken outside the employees normal work hours. If taken during work hours, prior approval of the supervisor must be given, and arrangements made to complete work normally accomplished during that time.

Spouse/Dependent Tuition Discount: A 50% Tuition Discount may be granted to spouses and dependents (as defined by the IRS) of full-time employees for up to 8 credits per semester for select graduate programs (please see Human Resources for approved graduate programs).

This benefit will be granted as follows:

- After the employee has worked Full-time for Mount Mary for 3 months.
- Discounts cannot be combined.
- This does not include specialized or practicum-type courses.
- The 50% Discount is only applied toward tuition, not books or fees.
- The Tuition Discount form must be submitted with the registration form each semester. Forms may be obtained from the office of the Vice-President for Academic/Student Affairs or the Director of Human Resources.
- Tuition Discount applies only when employee is working Full-time for Mount Mary.
- Tuition Discount ends upon termination of employment at the College.

Parking: At this time employee parking is free.

Bookstore Discount: Please check with the Bookstore for discount information.

Workers' Compensation: Details concerning eligibility for Workers' Compensation may be obtained from Human Resources. Under this program, the College pays the premium to an insurance carrier to provide such benefits to all employees. There is no employee contribution to this program.

Social Security: All employees of the College participate in the Federal Social Security Program. As prescribed by law, the deduction paid by the employee is matched by the College in accordance with the current rate.

Holidays: All benefit-eligible Faculty are eligible for 11 1/2 paid holidays to include: New Years Day, Martin Luther King Jr. Day, the Thursday before Good Friday (1/2 Day), Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, The Day After Thanksgiving, Christmas Eve Day, Christmas Day, New Years Eve Day.

Full-time 9, 10, or 11 months Faculty will receive pay for those holidays which fall within their work year.

Part-time Eligible Faculty will be paid their regular salary if the holiday falls on their day of assigned work.

While President's Council may make changes when necessary, generally Holidays will be observed as follows: If the holiday falls on a Saturday it will be observed on the preceding Friday and if the Holiday falls on a Sunday it will be observed on the following Monday.

Compassionate Leave: Compassionate leave of up to three paid days may be given to a Regular Full-time employee should a death occur in the employee's immediate family (spouse, child, parent, brother, sister).

One day of pay will be given for a Regular Full-time employee to attend the funeral of a mother-in-law, father-in-law, brother-in-law, sister-in-law, grandchild, aunt, uncle or grandparent. Compassionate leave pay will be prorated for part-time eligible employees who are out on compassionate leave on regularly scheduled workdays. **Note:** Compassionate leave includes step-family.

Compassionate leave is unpaid until the Business Office receives the name and relationship of the deceased submitted on a completed MM 107 form.

Jury Duty: Regular Full-time and Part-time Eligible employees called to jury duty will retain all rights and privileges as an employee while performing such duty. Jury duty leave is unpaid until verification of service is submitted to the Business Office along with the papers showing how much was received from the court and a completed MM-107 form. If these requirements are met, full regular pay for jury duty days will be paid.

Military Leave: Mount Mary College complies with the legal provisions regarding the re-employment rights of persons on active duty or training in the Armed Forces, Reserves and National Guard. The Human Resources staff can describe these rights to you in detail upon your request. Requests for Military Leave should be made as far in advance as possible to allow for replacement scheduling. Employees must return to work within the time prescribed by law from the date of discharge or release from active duty, otherwise military leave will end. Military leave is an unpaid leave. Employees going on military leave must complete an MM-107 form and submit this to the Business Office.

Guidelines for Longevity and Retirement Recognition

a) Longevity - Mount Mary College each year at a dinner or luncheon, pays tribute to those employees who have given 10, 25 or 40 years of service to the College. For employees who are rehired, actual total years of service will be considered for service recognition.

b) Recognition for Retirement - Any employee who has a minimum of 7 years of service and retires will be honored at an all-College function and will be eligible for certain "Courtesies" - (see Human Resources for this list).

The recognition as stated does not preclude that any employee leaving Mount Mary College for any reason cannot be honored or recognized by the individuals they either worked or associated with at Mount Mary College. Employees who are re-hired will be considered for service recognition based on total actual years of service.

Library: The Human Resources Office will assist any Mount Mary employee to obtain an identification card for the purpose of checking out books, audio tapes, or video tapes from the Library.

Food Service: Food Service International provides the food and catering services to the Mount Mary College community. Generally, cafeteria meals are served in the Alumnae dining room Monday through Friday, and in the College dining room on weekends. Both dining rooms are located on the first floor of Caroline Hall. Hours of operation and cost of meals are posted at the entrance to the dining rooms.

The Cyber Café eatery is located on the lower level of Gerhardinger Center. Hours of operation and prices are posted in the Café.

The Parkway Grill and Starbucks Café are located in the lower level of Bergstrom Hall. Hours of operation and prices are posted in the Grill and Café areas.

There are soda and snack vending machines in various locations on campus.

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There are soda and snack vending machines in various locations on campus.

Mail Room: The Mount Mary College Mail Room is located on the lower level of Bergstrom Hall. Employees may purchase envelopes and send packages by UPS, airmail, overnight or priority mail.

Family and Medical Leave – Wisconsin & Federal

Statement of Policy

It is the policy of Mount Mary College to comply with the requirements of the State of Wisconsin and Federal Family and Medical Leave Acts (FMLA). Generally, an eligible employee will be granted up to 12 weeks of FMLA leave during a 12-month period on a rolling-backward basis. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the reason for the leave and the benefits for which the employee may be eligible. This policy will be administered in compliance with the National Defense Authorization Act of 2008 as it amends the Family and Medical Leave Act of 1993, and the new regulations implementing the Family and Medical Leave Act of 1993 effective January 16, 2009.

The State and Federal laws differ in a number of areas, and the College will comply with both. When the reason for a leave qualifies under both State and Federal law, the following rules apply:

- The employee is deemed to be exhausting his/her entitlement under both laws concurrently; and
- The provision(s) most generous to the employee will apply.

The taking of leave under this policy will not be used against an employee in any employment decision, including the determination of promotions, discipline, compensation, etc.

Eligibility

To be eligible for Federal leave under this policy, an employee must have been employed by the College for at least 12 months. Periods of employment preceding a 7-year break in service do not count toward the 12 months of employment unless the break in service was due to National Guard Service or Reserve Military Service, or where otherwise provided under written agreement. In addition, in the 12 months immediately preceding the commencement of the leave, the employee must have worked at least 1250 hours:

- To be eligible for Wisconsin FMLA leave under this policy, an employee must have been employed by the College for more than 52 consecutive weeks and compensated for 1,000 hours during the 52-week period immediately preceding the commencement of the leave.

The College will inform employees requesting leave whether they meet the basic eligibility requirements for State and Federal FMLA leave. At the same time, the College will inform the employee of any additional information required to verify that the need for leave is for an FMLA qualifying reason and the employee's right and responsibilities while taking FMLA leave.

Amount of Leave Available

As stated above, an eligible employee is generally eligible for up to a total of 12 weeks of protected leave within a rolling-backward year for any combination of reasons. It is possible that

an employee could qualify for leave only on the basis of hours worked under the Wisconsin law, which generally covers shorter periods of time than the 12 weeks provided by Federal law. These situations will be discussed on a case-by-case basis with affected employees.

Types of Leave Covered

A. Birth or Placement for Adoption or Foster Care

Family leave will be available to eligible male and female employees for the birth of a child or for placement of a child with the employee for purposes of adoption or foster care. Such leave must generally be completed within 12 months of the birth or placement (the leave must commence within 16 weeks of the birth or placement for leave taken only under Wisconsin law). Wisconsin law permits up to 6 weeks of leave in a calendar year for this purpose.

B. Serious Health Condition of Employee

An eligible employee who experiences a serious health condition as defined by the State and/or Federal law may take medical leave under this policy. A serious health condition is an illness, injury, impairment, or physical or mental condition for which the employee:

- Receives inpatient care in a hospital, hospice or nursing home;
- Suffers a period of incapacity of more than three consecutive full calendar days accompanied by continuing treatment/care by a health-care provider;

Subject to certain conditions, the continuing treatment requirement must be met by the period of incapacity combined with at least 2 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.

Medical leave may be taken all at once or, when medically necessary, in smaller increments. The need for leave must be documented by the employee's treating health-care provider through the medical certification process.

An employee may be paid for all or part of a medical leave to the extent s/he is eligible for benefits such as short-term disability or sick time.

A fitness-for-duty statement will be required in order for an employee to return from a medical leave. Failure to provide the statement may result in a delay in the return to work.

Wisconsin law permits up to 2 weeks of leave in a calendar year for this purpose.

C. Serious Health Condition of Immediate Family Member

An eligible employee may take family leave under this policy in order to care for a son, daughter, spouse or parent with a serious health condition (see above section for general definition). (The Wisconsin FMLA also covers the serious health condition of an employee's parent-in-law, domestic partner (registered or unregistered) and domestic partner's parent.) This leave may be taken all at once or, when medically necessary, in smaller increments. It will be necessary for the family member's treating health-care provider to document the need for leave through the medical certification process. An employee may be required to provide certification of domestic partner relationship.

Wisconsin law permits up to 2 weeks of leave in a calendar year for this purpose.

D. Qualifying Exigency for Military Family Leave

An eligible employee may take family leave under this policy while the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty or call to active duty status requiring deployment to a foreign country for any qualifying exigency under Federal law. A qualifying exigency 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. This leave may be taken all at once or, in smaller increments. However the Federal FMLA does not provide for a full 12 weeks of leave for all types of qualifying exigencies. It will be necessary to submit a complete and sufficient certification for FMLA leave due to a qualifying exigency.

Notice of leave for a qualifying exigency must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

E. Leave to Care For a Covered Servicemember with a Serious Injury or Illness

An eligible employee may take up to 26 weeks of family leave in a single 12-month period under this policy to care for the employee's spouse, child, parent, or next of kin who is a covered servicemember that incurs or aggravates a serious illness or injury while in the line of duty on active duty. A "covered servicemember" is a servicemember who incurs (or aggravates) an illness or injury in the line of duty on active duty that renders the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating. A covered servicemember must also be a current member of the Armed Forces, including a member of the National Guard or Reserves, or, the National Guard or Reserves who is on the temporary retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Escues) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. This entitlement will be applied on a per-covered-servicemember, per-injury basis. It will be necessary for the covered servicemember's treating health-care provider, as defined by law, to document the need for leave through the medical certification process. In certain instances, this leave may be combined with all other FMLA leaves, limiting the employee's FMLA leave entitlement for all purposes to no more than a total of 26 weeks of leave during the single 12 month rolling backward period.

Notifying the College of the Need for Family or Medical Leave

Generally, an application for leave must be completed for all leave taken under this policy. When the need for leave is foreseeable, the employee should provide notice at least 30 days in advance. When this is not possible, notice should be provided as soon as the employee learns of the need for leave. In cases of emergency, verbal notice should be given as soon as possible (by the employee's representative if the employee is incapacitated), and the application form should be completed as soon as practicable. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay of the leave. Leave application forms are provided by the Human Resources Department.

If the employee is capable of complying with the College's normal call-in and reporting procedures or arranging for the College to receive timely notice of the employee's absence and fails to do so, the College may delay or deny the FMLA leave.

Calling in “sick” does not qualify as FMLA leave. An employee must provide sufficient information regarding the reason for an absence for the College to know that protection may exist under this policy and the timing and duration of the leave. Sufficient information may include that, because of a serious health condition, the employee is unable to perform job functions, a family member is unable to perform daily activities, or the employee or family member require hospitalization or continuing treatment. Sufficient information may also include circumstances supporting the need for military family leave. The College may then collect other information from the employee to properly determine whether the absence will be treated as FMLA leave. Failure to provide this information as requested will result in the employee’s forfeiting all rights under the policy. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

If the employee is seeking leave for a FMLA-qualifying reason for which the College has previously provided FMLA protected leave to the employee, the employee must specifically refer to the qualifying reason for leave or the need for FMLA leave which previously has been taken or certified. Failure to do so may result in the delay or denial of FMLA approved leave.

Medical Certification of a Serious Health Condition

Generally, the College will require medical certification to verify that an employee or family member’s illness meets the definition of serious health condition and to determine the nature and duration of the leave. In the case of a family illness, the provider must also verify that the employee is needed to care for the family member.

Periodic recertification to verify that a condition is ongoing may be required as provided by the law.

The appropriate form should be obtained from the Human Resources Department and must be returned within 15 days. If the employee cannot comply with this deadline, the employee must contact Human Resources and request an extension prior to the date the form is due. The College has discretion on whether an extension will, in fact, be granted. Failure to provide this certification may result in delay or denial of the leave.

Additional Certifications

If the College has reason to question the validity of a medical certification, an employee may be required to provide a second certification from a health-care provider selected and paid for by the College. If the second opinion differs from the first, a third opinion may be required. The health-care provider for the third opinion must be mutually chosen by the employee and the College and paid for by the College. The third opinion, by law, is binding on all parties.

Use of Paid and Unpaid Leave

Both State and Federal FMLA mandates that an employer provide unpaid leave to eligible employees. However, an employee or employer may elect to substitute a paid benefit for which the employee is eligible in order for the employee to receive pay during the leave. In some cases the College may require that benefits, such as vacation, be used before the employee may take unpaid time. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits will not be available to the employee later. Similarly, substitution or use of paid leave does not extend the amount of FMLA leave available to an employee, it provides for pay. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the organization’s paid

leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.). The College will not require substitution where the employee is taking leave under Wisconsin's FMLA.

In cases where substitution of a paid benefit is not possible, the employee will receive reduced compensation consistent with the number of hours the person actually works.

As appropriate, employees on medical leave (for the employee's own serious health condition) may simultaneously be eligible for and receive disability or worker's compensation benefits. In such cases, disability and worker's compensation leaves of absence will run concurrently with FMLA leave.

Intermittent or Reduced Schedule Leave

Intermittent and/or reduced schedule leave will be permitted when it is medically necessary and for qualifying exigencies, if an employee wants to take FMLA for birth or placement for adoption or foster care on an intermittent basis, the employee should discuss with Human Resources. Such a request may not be granted in all instances. In all cases, the total amount of leave taken in one year should not exceed the 12 weeks defined earlier in this policy.

Intermittent and reduced schedule leave for planned medical treatment should be scheduled with minimal disruption to an employee's job. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

Where leave is taken on an intermittent or reduced schedule basis, the College may, in some cases, transfer an employee to an alternative position, with equivalent pay and benefits, in order to better accommodate the need for intermittent or reduced schedule leave.

Benefit Continuation During Leave

Employees may elect to continue group health insurance while on leave in the same manner as if the employee had continued working. Employees will be required to continue to pay their portion of the premium as if they had continued working. Other employment benefits, such as group life insurance, AD&D, etc., will also be continued during the leave, so long as the employee continues to pay any required contribution. If an employee has pay substituted for otherwise unpaid FMLA leave or has appropriate pay available, the employee contribution toward the premium will be deducted as part of a normal payroll deduction, to the extent permitted by law. To the extent a payroll deduction is not available to fully cover the employee contribution, the employee must make the appropriate premium payment no later than the pay day to which coverage relates. If an employee does not make the appropriate employee contribution to the cost of a group health plan coverage within 30 days of the payment's due date, the employee's group health benefits will cease. Payment arrangements will be discussed with individuals upon their request for leave.

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

Rights Upon Return From Leave

An employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under

this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist under other company policies.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work. In such cases, the official date of the layoff will mean the end of FMLA leave for the employee. If the employee is recalled, if FMLA leave is still required, it may then continue.

Worker's Compensation Absences

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under Federal law. In other words, the employee is using Federal FMLA leave concurrently with the worker's compensation absence.

Early Return from Leave

An employee who wishes to return to work earlier than originally anticipated should provide at least two days notice of such request. A fitness-for-duty certification may be required.

Miscellaneous

The Wage and Hour Division of the U.S. Department of Labor is the federal agency that regulates the Federal FMLA. Federal law makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for the involvement in any proceeding under or relating to the FMLA. Nothing in the FMLA affects any Federal or State law prohibiting discrimination, or supersedes any State or local law or collective bargaining agreement which provides greater family and medical leave rights. Employees have the right to file a complaint with the U.S. Department of Labor ("DOL") or bring a private lawsuit if they feel the College has violated their rights under the FMLA. For more information, you may contact the DOL at 866-487-9243 or www.wagehour.dol.gov. That being said, it is the preference of the College that its employees first bring any concerns to the attention of the Human Resources Department.

This policy provides an introduction to the rights provision of the Family and Medical Leave laws. Questions employees may have about this law should be directed to Human Resources.