



## **NOTICE TO EMPLOYEES**

### **Family and Medical Leave Act "FMLA"**

Under the Family and Medical Leave Act (FMLA), John Carroll University will provide up to twelve (12) weeks of unpaid leave in a twelve (12) month period to eligible employees. Employees are eligible if they have worked for JCU for a total of at least twelve (12) months and have worked at JCU at least 1,250 hours over the previous twelve (12) months.

#### **Reasons for Leave**

Eligible employees will be granted FMLA leave:

- For the birth or adoption of a child or the foster care placement of a child<sup>1</sup>
- To care for an immediate family member (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.

Whenever medically necessary to care for an immediate family member with a serious health condition or because of the employee's own serious health condition, employees may take FMLA leave intermittently<sup>2</sup>; i.e., in blocks of time or by reducing their normal weekly or daily work schedule. Intermittent leave for birth or placement for adoption or foster care may be granted subject to departmental needs<sup>3</sup>.

#### **Coordination with Other Leaves/Paid Time**

Upon requesting unpaid FMLA leave, employees will be required to use up paid sick days<sup>4</sup> (for their own serious health condition), paid personal days and/or vacation time as part of the FMLA leave. Likewise, if an employee requests sick days, personal days and/or vacation time for an FMLA qualifying reason, JCU will designate such paid leave as substituting for all or a portion of the FMLA leave entitlement.

JCU will use a "rolling" period for purposes of determining the twelve (12) month period in which up to twelve (12) weeks of leave may be taken; i.e., an employee's twelve (12) month period will be measured backwards from the date on which the employee uses FMLA leave.

<sup>1</sup>Spouses employed by JCU are jointly entitled to a combined total of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care and to care for a parent (not a parent-in-law) who has a serious health condition. Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

<sup>2</sup>When intermittent leave is needed for purposes of planned medical treatments, the employee must try to schedule treatment so as not to unduly interrupt JCU's operations.

<sup>3</sup>If an employee takes intermittent or reduced schedule leave, JCU reserves its right to transfer the employee temporarily to an alternative position for which the employee is qualified, at equivalent pay rate and benefits.

<sup>4</sup>Sick days may not be used during FMLA for any reason other than the employee's own illness.

## **Notice and Certification**

Employees seeking to use unpaid FMLA leave will be required to provide:

- Up to 30-days advance notice of need for FMLA leave when the need is foreseeable.
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

Additionally, employees seeking to use FMLA leave for their own serious health condition or that of an immediate family member will be required to provide:

- Medical certification from the employee's or the immediate family member's health care provider supporting the need for leave<sup>5</sup>. This certification should be submitted to the Director of Human Resources within fifteen (15) days of requesting leave (a copy of the medical certification form will be provided to employees upon requesting FMLA leave. Additional forms are available from the Department of Human Resources).
- Subsequent periodic re-certification at reasonable intervals (upon request by JCU).
- A fitness for duty report when employee seek to return to work following leave for their own serious health condition.

*Failure to follow these notice and certification procedures may result in a delay of the commencement of FMLA leave, a denial of FMLA leave or non-reinstatement from FMLA leave. Additionally, fraudulently requested or obtained FMLA leave may result in discipline up to and including discharge.*

## **Maintenance of Health Benefits**

JCU will maintain group health insurance coverage for employees on FMLA leave whenever such insurance was provided before leave was taken and on the same terms as if the employee continued to work. Arrangements must be made with JCU's Human Resources Department for payment of the employee's share of premiums during unpaid leave. JCU may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

## **Job Restoration**

Upon return from FMLA leave and subject to the notice and certification requirements described above, employees will be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions (except to the extent that employees would not otherwise have been employed at the time reinstatement is requested). An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

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<sup>5</sup>Second and/or third medical opinions may be requested at JCU's expense.