

## **BOWDOIN COLLEGE**

### **FAMILY AND MEDICAL LEAVE POLICY**

All College employees may be entitled to family and medical leave under the federal Family and Medical Leave Act (“FMLA”) and/or the Maine Family Medical Leave law when they meet all of the eligibility requirements of these laws. This policy sets forth several rules that must be applied uniformly to all College employees who may be eligible for either or both types of family and medical leave. As used in this policy, “family and medical leave (FML)” means leave available under both the federal and state laws. Any questions concerning the following family and medical leave should be directed to Human Resources.

#### **A. The Federal Employee Eligibility Periods**

College employees who have been employed for at least 12 months and have worked at least 1,250 hours in the previous 12 months are eligible for FMLA leave under the federal law.

There are two types of eligibility periods under the federal law as described below.

##### **1. 12-Month Period for Birth, Adoption or Placement for Adoption or Foster Care; Serious Health Condition Purposes; Qualifying Exigency\***

There is a 12-month eligibility period for 12 weeks of FMLA leave taken for the following qualifying purposes:

- a. Medical leave when the employee is unable to work because of a serious health condition;
- b. Care for an immediate family member of the employee (spouse, domestic partner, child, or parent) with a serious health condition;
- c. Birth and care of the newborn child of the employee;
- d. Placement with the employee of a son or daughter for adoption or foster care; or
- e. “Qualifying exigency leave”\* for an employee whose spouse, domestic partner, child or parent is a regular member of the Armed Forces on covered active duty deployed to a foreign country or a reserve member of the Armed Forces (including National Guard) on covered active duty deployed to a foreign country under a call or order to active duty in a contingency operation.

\*“Qualifying exigency leave” allows eligible family members to attend to business related to the covered military member’s deployment, including activities such as military events; arranging child and/or parent care; making financial and/or legal arrangements; attending counseling; rest and recuperation with the military member while on leave from activity duty; and certain post-deployment activities. Contact Human Resources for more information.

The 12-month period used to determine an employee's eligibility for FMLA for the purposes described above shall be the 12-month period measured backward from the date an employee's first leave begins.

## **2. 12-Month Period for Military Caregiver Leave**

There is a separate 12-month period for employees eligible for military caregiver leave of up to 26 weeks. Such leave may be taken to care for a spouse, domestic partner, child, parent or next of kin of an eligible service member or veteran with a serious injury or illness. This leave is calculated from the first day that leave is taken for this purpose and does not track the College's designated 12-month FMLA tracking period as described above. Any military caregiver leave that is not taken within the specific 12-month period is forfeited. This leave period may overlap with the usual 12-month leave period designated by the College and in certain circumstances, this may impact the employee's eligibility to take other types of FMLA leave.

## **B. Maine Requirements**

### **1. Employee Eligibility**

College employees who have been employed for at least 12 consecutive months are eligible for leave under the Maine Family Medical Leave law.

### **2. Leave Amount and Eligibility**

The amount of family and medical leave available to employees under the Maine law is 10 work weeks in any two-year period.

### **3. Qualifying Purposes**

Leave may be used for the following qualifying purposes:

- a. Serious health condition of the employee;
- b. Serious health condition of the employee's spouse, domestic partner, child (or child of domestic partner), parent or sibling;
- c. Birth of the employee's child or child of his/her domestic partner;
- d. Placement of a child 16 years of age or younger with the employee or the employee's domestic partner for adoption;
- e. Donation of an organ for human transplant by the employee;
- f. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child as a member of the state military forces or United States Armed Forces (including National Guard and Reserves) while on active duty.

## **C. Notice by Employee**

Employees requesting leave shall provide at least 30 days' notice to Human Resources whenever the need for such leave is foreseeable. The employee shall provide appropriate medical

certification (or other certification appropriate to the particular request) supporting the leave request.

When the College has reason to believe that an employee is or will be absent for an FML-qualifying purpose, Human Resources shall request the appropriate information from the College employee to determine his/her eligibility for family and medical leave.

**D. Coordination with Other Leave**

When leave is taken that qualifies both as FML and as permitted leave under any employment contract or leave policy, the employee shall use FML and the other type of leave concurrently, provided that the employee meets all of the eligibility requirements for each type of leave. Types of leave that shall run concurrently with FML include, but are not necessarily limited to: personal absence time, vacation time, STD, LTD, parental leave, unpaid leave, absence for work-related injuries, and any other applicable types of leave available. An employee may reserve up to 5 days of available vacation time (if applicable) and not use it concurrent with FML. To the extent that paid leave is not available and/or used during FML leave, FML leave is unpaid.

**E. Benefits During Family and Medical Leave**

For employees covered under the College's benefit plans prior to a FML leave, the College will continue coverage of the employee's benefit plans (including medical, dental and short term disability) during an approved leave and will continue its contributions toward coverage. The employee must make arrangements with Human Resources prior to the leave or as soon as possible to continue to pay any required employee contributions. While the employee remains in "paid" status, the employee's contributions will continue through payroll deduction. When the leave becomes unpaid, the employee is responsible for making necessary billing arrangements through Human Resources. During FML leave, all other insurance plans fully paid by the College (e.g., basic life insurance and long-term disability insurance), continue to be paid by the College. College retirement contributions, personal absence time and vacation time accruals continue while the employee remains in "paid" status, but are discontinued during any unpaid portion of the leave.

**F. Fitness for Duty Certificate**

Before returning to work, employees taking FML for their own serious health condition shall submit a certificate from a health care provider to Human Resources indicating that they are able to return to work and perform the essential functions of the position.

## Family and Medical Leave Categories and Employee Eligibility\*

Leave Category	Amount of Leave Available	Employee Eligibility Requirements
<p><u>Federal</u></p> <ol style="list-style-type: none"> <li>1. Employee's serious health condition.</li> <li>2. Care of spouse/domestic partner/child/parent with serious health condition.</li> <li>3. Birth and care of employee's newborn child.</li> <li>4. Placement of child for adoption, foster care.</li> <li>5. Qualifying exigency leave for employee's eligible spouse/domestic partner/child/parent deployed for covered military duty.</li> </ol>	<p>12 wks. total for #1-5 in 12-month period measured backward from date of use of leave.</p> <p>The leave period may be reduced by any leave used for military caregiver leave noted below.</p>	<p>Employed at least 12 months and worked a minimum of 1,250 hrs. in previous 12 months.</p>
<p><u>Federal</u></p> <p>Military caregiver leave to care for spouse/domestic partner/child/parent/ next of kin for eligible service member or veteran with serious illness or injury.</p>	<p>26 wks. in a 12-month period measured from first date leave is taken (may overlap with leave above and impact eligibility for other FMLA leave).</p>	<p>Same as above.</p>
<p><u>State</u></p> <ol style="list-style-type: none"> <li>1. Serious health condition of employee.</li> <li>2. Serious health condition of spouse/domestic partner/child (also of domestic partner)/parent/eligible sibling.</li> <li>3. Birth of employee's/domestic partner's child.</li> <li>4. Placement of child 16 or younger w/employee/domestic partner for adoption.</li> <li>5. Donation of organ for human transplant by employee.</li> <li>6. Death/serious health condition of employee's spouse/domestic partner/parent/ sibling/child as member of state or federal military forces while on active duty.</li> </ol>	<p>10 wks. total for #1-6 in any two-year period.</p>	<p>Employed for 12 consecutive months.</p>

\*If leave qualifies under both federal and state laws, the leave amount will run concurrent under both laws.”