



FAMILY AND MEDICAL LEAVE ACT GUIDE

MACALESTER

Employees who have been employed for at least twelve months, and who have worked at least 1,000 hours during the prior twelve month period (.50 FTE) are eligible to take up to twelve weeks of unpaid leave in any twelve month period for a "serious health condition" if medical information certifying the condition is provided to the college. This leave can also be used to care for the spouse, dependent, or domestic partner of the eligible employee, if such an individual has a "serious health condition".

A. Federal Leave

As used in this policy statement, "Federal Leave" means the leave required by the federal Family and Medical Leave Act. Federal Leave is unpaid leave that may be taken for the following reasons:

1. To care for the employee's newborn or newly-placed adoptive or foster child.
2. To care for the employee's parent, child, or spouse with a serious health condition.
3. To care for the employee's own serious health condition.

B. Rules Applicable to All Types of Federal Leaves.

1. Eligible employees may, in any 12-month period, take a total of up to 12 weeks of Federal Leave for any combination of the three reasons listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any Federal Leave. Although this leave is by law unpaid, the College will require that you substitute paid leave (medial and vacation) for unpaid federal leave.
2. To be eligible for Federal Leave, an employee must satisfy the following requirements:
 - a. The employee has been employed by Macalester College for at least 12 months (not necessarily consecutive); and
 - b. The employee has worked at least 1,250 hours for Macalester during the previous 12 months.
3. An employee must provide Macalester College with at least 30 days' notice before a leave is to begin if the need is foreseeable. If the starting date is not foreseeable, an employee must provide as much notice as practicable. If a medical emergency prevents the employee from personally giving notice, someone else (such as a spouse, parent, or adult child) may give notice. Notice should be given to the Benefits Specialist in the Employment Services Department by calling (651) 696-6454.
4. In general, an employee returning from Federal Leave will be placed in the same situation as the employee would have been in at that time had he or she not taken the leave. This means, for example:
 - Upon returning from the leave, the employee will be restored to the same position that he or she held before the commencement of the leave or an equivalent position, unless during the leave the position was changed in such a way as would have affected the particular employee had he or she not been on leave (e.g., a layoff or general reduction in hours).
 - If during the leave an event occurs that would have terminated or altered the employment of the employee had he or she not been on leave (e.g., a reduction in force), the employment, leave rights, employment conditions, or restoration rights of that employee will terminate at the same time as if the employee had not been on leave.
5. The employee will not lose any benefits accrued before the leave.
6. The employee will not seniority during the leave.
7. The employee will not receive holiday pay for leaves that extend beyond two (2) weeks in duration.
8. The employee will continue to accrue vacation and sick time of hours paid through Macalester College.
9. Macalester College may require an employee who is on leave to confirm that he or she intends to return to work at the end of the leave.

10. During the leave, the employee will remain eligible for group health coverage under the same conditions that apply to active, current employees. Macalester will continue to share the cost of the premium.
11. The employee must make arrangements to pay his or her cost of health care coverage for dependents (if applicable) during the leave. The employee's share of the cost is due on the first of each month. Checks are made payable to Macalester College and are sent to the Employment Services Department.
12. Macalester's contribution toward the cost of health insurance coverage will stop when the employee fails to return to work at the end of a leave, when the employee advises Macalester that he or she does not intend to return to work, or when the employee fails to make a required payment of the employee's share of the cost within 30 days of when the payment was due, whichever happens first. At that point, the employee will be entitled to COBRA continuation coverage for which the employee is eligible. The 18-month COBRA period will be measured from the date the Macalester-provided coverage stops. (See Section 5, page 6, 5.6 for COBRA information.)
13. To the extent permitted by Macalester's insurance policies, Macalester will also maintain in effect group long-term disability and basic life insurance coverage, with 100% of the premium being paid by Macalester.

C. Additional Provisions Applicable to Parenting Leave.

The following additional provisions apply to parenting leave:

1. The leave is available for the birth of a biological child or the placement of an adoptive child or foster child.
2. The leave must be completed within 12 months after the birth or placement of the child.
3. If Macalester, in its discretion, consents, parenting leave may be taken intermittently or through a reduced work schedule. Whether Macalester consents in a particular case will depend, in part, on the needs of the department in which the employee works.
4. If an employee is eligible for a college paid parental leave at the time the employee seeks a leave for the birth or placement of a child, the employee must use the paid parental leave simultaneously with Federal Leave. Doing so will not increase the amount of Federal Leave available. After the paid parental leave has been exhausted, an employee must use any accrued sick and/or vacation leave simultaneously with Federal Leave.

D. Additional Rules Applicable to Leave to Care for an Employee's Spouse, Child or Parent with a Serious Health Condition.

The following additional provisions apply to leave to care for an ill relative:

1. A serious health condition is an illness or injury that involves inpatient care or continuing treatment or supervision by a health care provider and renders the person incapacitated. "Incapacitated" means that the individual is unable to perform the essential functions of their job or attend school. A serious health condition includes any incapacity due to pregnancy or for prenatal care.
2. The leave is available to care for the serious health condition of:
 - The employee's biological child, adopted child, foster child, stepchild, legal ward, or a child for whom an employee has assumed the status and obligations of a parent. An employee's "child" must be under age 18 or incapable of self-care because of a disability.
 - The employee's parent or a person who, when the employee was a child, assumed the status and obligations of a parent to the employee.
 - The employee's husband or wife.
3. When it is medically necessary, the leave may be taken intermittently or through a reduced work schedule.
4. If an employee requests intermittent leave or leave on a reduced schedule that is foreseeable due to planned medical treatment, including during a period of recovery from a serious health condition, the employee may be temporarily transferred to another position if the position has equivalent pay and benefits and better accommodates the recurring periods of leave. Any such transfer is subject to Macalester's collective bargaining agreement.
5. If the need for leave is foreseeable due to planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt their department or Macalester's operations unduly.

6. Macalester may require that a leave request be supported by a certification of the health care provider of the employee's qualifying relative on a form provided by Macalester. The certification must state that the employee is needed to care for the relative and estimate the time that the employee is needed.
7. When Macalester has reason to doubt the validity of the certification, Macalester may require the employee, at Macalester's expense, to obtain the opinion of a second health care provider designated or approved by Macalester. This health care provider cannot be employed on a regular basis by Macalester.
8. If the opinion of the second health care provider differs from the opinion in the original certification, Macalester may require the employee, at Macalester's expense, to obtain the opinion of a third health care provider who is agreed to by both Macalester and the employee. The third health care provider's opinion is binding.
9. Macalester may require that the employee, at the employee's expense, obtain subsequent recertification by the health care provider on a reasonable basis.

E. Additional Provisions Applicable to Leave to Care for an Employee's Own Serious Health Condition.

The following additional provisions apply to leave due to an employee's health.

1. A serious health condition is an illness or injury that involves inpatient care or continuing treatment or supervision by a health care provider and renders the employee incapacitated. "Incapacitated" means that the employee is unable to perform the essential functions of his or her job. A serious health condition includes any incapacity due to pregnancy or for prenatal care.
2. When medically necessary, the leave may be taken intermittently or through a reduced work schedule. An employee on a medical leave cannot be engaged to provide services outside of the employee's normal job duties without prior authorization from the Employment Services Department.
3. If an employee requests intermittent leave or reduced work schedule leave that is foreseeable due to planned medical treatment, including during a period of recovery from a serious health condition, the employee may be temporarily transferred to another position if the position has equivalent pay and benefits and better accommodates the recurring periods of leave. Any such transfer is subject to Macalester's collective bargaining agreement.
4. If the need for leave is foreseeable due to a planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the employee's department or Macalester's Operations unduly.
5. Macalester may require that a leave request be supported by a certification of the employee's health care provider on a form provided by the employer. The certification must include a statement that the employee is unable to perform the essential functions of his or her job.
6. When Macalester has reason to doubt the validity of the certification, Macalester may require the employee, at Macalester expense, to obtain the opinion of a second health care provider designated or approved by Macalester. This health care provider cannot be employed on a regular basis by Macalester.
7. If the opinion of the second health care provider differs from the opinion of the original certification, Macalester may require the employee, at Macalester's expense, to obtain the opinion of a third health care provider who is agreed to by both Macalester and the employee. The third health care provider's opinion is binding.
8. Macalester may require that the employee, at the employee's expense, obtain subsequent recertification by the health care provider on a reasonable basis.
9. An employee returning from a leave due to the employee's own serious health condition may be asked to provide, at the employee's expense, certification that he or she is able to resume work.

F. Special Provisions For Highly Paid Employees

Special provisions apply to those salaried employees who are among the highest paid 10 percent of the employees employed by Macalester College within 75 miles of the facility where the employee is employed. Macalester may deny such a highly paid employee restoration to employment following Federal Leave if such denial is necessary to prevent substantial and grievous economic injury to Macalester's operations and, if, when Macalester determines that such an injury would occur, Macalester notifies the employee of its intent to deny restoration.

An employee who is notified that this section will be applied to him or her may retain employment by not taking the leave or if already on leave, returning from the leave.

Under certain circumstances, an employee denied restoration after Federal leave may be entitled to restoration under the Minnesota Parenting Leave rules. Please refer to the section entitled "Minnesota Parenting Leave".

G. Unlawful Acts

It is unlawful for Macalester or any supervisor or co-employee to:

1. Interfere with or deny the exercise of any right under the Federal Leave.
2. Discharge or discriminate against any person for opposing any practice made unlawful by the Federal Leave law.
3. Discharge or discriminate against any person because of involvement in any proceeding under or related to the Federal Leave law.

Macalester encourages any employee who thinks that the Federal Leave law has been violated to report the problem to the Benefits Specialist or the Director of Employment Services. All complaints will be promptly investigated. In addition to reporting the problem to Macalester or instead of doing so, an employee who thinks that the Federal Leave law has been violated may file a complaint with the United States Department of Labor or may file a civil suit.