

## Family and Medical Leaves of Absences

Florida National University will grant Family and Medical leaves in accordance with the requirements of the applicable state and federal law in effect at the time the leave is granted. Florida National University will refer to these leaves as “FMLA leaves”. No greater or lesser leave benefits will be granted than those mandated by state and federal laws.

Employees eligible for FMLA leave must have worked at Florida National University for a minimum of 12 months, must have worked at least 1,250 hours during the 12 months prior to the leave, and work at a location where at least 50 employees are employed by the institution with 75 miles as of the date the leave is requested.

Employees of Florida National University may take up to 12 weeks (or 26 weeks, if applicable) of unpaid leave during a calendar year for the following reasons:

- **Bonding Leave** -The birth, adoption or foster care of an employee’s child within 12 months following birth or placement;
- **Family Care Leave** - Care of a child, parent or spouse who has a serious health condition;
- **Serious Health Condition Leave** - Your inability to work because of your own serious health condition.
- **Military Emergency Leave** - A “qualifying exigency,” as defined under the FMLA, arising from a spouse’s, child’s, or parent’s “Covered Active Duty” as a member of the military reserves, National Guard or Armed Forces. “*Covered Active Duty*” means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.
- **Military Caregiver Leave** - to care for a spouse, child, parent or next of kin (nearest blood relative) who is a “Covered Service member”. “*Covered Service member*” means, (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform

his or her military duties, or (2) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released there from under conditions other than dishonorable (a “veteran” as defined by the Department of Veteran Affairs”), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran.

**Note: If the employee is taking Military Caregiver Leave, the employee may take a combined total of 26 weeks of unpaid leave during a single 12-month period.**

In the case of Military Caregiver Leave, a "single 12-month period" begins on the date of your first use of such leave and ends 12 months after that date.

When both spouses work for Florida National University and are eligible for leave under this policy, (1) if the spouses seek leave for Bonding Leave or Family Care Leave to care for a parent, the spouses will be limited to a total of 12 workweeks off between the two of them; (2) if the spouses seek leave for Military Caregiver Leave only, or for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent, the spouses will be limited to a total of 26 workweeks off between the two.

When the need for FMLA leave is foreseeable, employees must provide Florida National University with 30 days advance notice, or if the leave must begin in less than 30 days, such notice as is both possible and practical. When the need for FMLA leave is not foreseeable, employees must provide notice of the need for leave within the time provided in the applicable call-off procedure, or if that is not possible due to unusual circumstances, employees must provide notice as soon as is possible and practical.

In addition to the requirement of providing notice through normal call-off procedures (when applicable), requests for Family and Medical leaves should be submitted in writing to your immediate supervisor and to the Campus Deans’ Office. Medical certification will be required prior to approval of Family Care, Serious Health Condition and Military Caregiver leave and forms must be received within the allotted time period (absent extenuating circumstances) in order to process your request. You will receive a response from the Dean’s Office letting you know if your leave has been approved according to state and/or federal laws.

Florida National University will continue your medical insurance, and any benefits you presently have as an active employee, as long as you continue to pay in a timely manner your share of the premiums.

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time. Leave taken intermittently may be taken in increments of no less than one hour.

The FMLA leave will continue until the end of the health condition or other reason requiring the leave, the end of the certification or the end of the 12- or 26-week period, whichever comes first.

Under most circumstances, at the conclusion of your approved FMLA leave you will be reinstated to the same position held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement. You also may not be entitled to reinstatement if you are a “key employee,” as defined by the FMLA.

Employees are expected to provide prompt notice to the institution of any change(s) to an employee’s return to work date. Accepting or continuing other employment while on leave that is contrary to the restrictions indicated on the FMLA certification, or filing for unemployment benefits while on leave may be treated as a voluntary resignation from employment.

Additionally, if the employee does not return to work when the approved FMLA Leave ends, Florida National University will consider this action as a voluntary resignation of employment effective on the return to work date, unless arrangements have been made to extend your leave of absence under another FNU policy or applicable law.

Generally, FMLA Leave is unpaid. However, you may be eligible to receive benefits through applicable wage-replacement benefit programs. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued vacation time, provided you obtain approval pursuant to Florida National University’s vacation policy. If you are not otherwise eligible to receive wage-replacement benefits during your FMLA leave, Florida National University will require the use of all accrued sick time to cover some or all of the FMLA leave, to the extent consistent with the institution’s sick leave policy. You also may elect to supplement wage-replacement benefits with accrued vacation time. All such payments will be integrated so that you will receive no more than your regular compensation during this period. The use of paid benefits will not extend the length of a FMLA Leave.

#### Additional Information Regarding FMLA

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this policy.

Please refer any questions about Florida National University’s Family and Medical Leave policy to the Office of the Deans.