

July 12, 2005

FAMILY AND MEDICAL LEAVE POLICY

GENERAL POLICY

There may be occasions in which an employee requests to be temporarily relieved of his/her work responsibilities because of the birth, adoption, or placement in foster care of a child, the employee's serious health condition, or the serious health condition of a family member. In such instances, the University will grant leaves of absence in accordance with the requirements of the Family and Medical Leave Act of 1993 ("FMLA") and any applicable state and local laws. Specifically, eligible employees will be granted a family or medical leave of up to 12 weeks in any 12-month period, with certain assurances of job security and health insurance benefits during the leave (as described below), for their own serious health condition, the birth or adoption or placement in foster care of a child, or the care of a spouse, child or parent with a serious health condition.

DEFINITIONS

A "Family/Medical Leave" is defined as up to 12 weeks of leave during any 12-month period for one of the following reasons:

1. the birth of a child or the placement of a child with the employee for adoption or foster care. This leave must be taken within one year of the birth or placement;
2. the care of the employee's spouse, child, or parent with a serious health condition. Child is defined as a son or daughter under the age of 18 or older if incapable of self care; or
3. a serious health condition which renders the employee unable to perform essential job functions.

A serious health condition is generally an injury, impairment or physical or mental condition involving (1) a period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility, (2) a period of incapacity requiring absence from work, school or other regular daily activities of more than 3 days that involves continuing treatment by (or under the supervision of) a health care provider, or (3) continuing treatment by (or under the supervision of) a health care provider for prenatal care or a chronic or long-term condition that is incurable or so serious that, if not treated, would result in a period of incapacity of more than 3 days. For this purpose, "continuing treatment" means that the individual is treated two or more times by (or under the supervision of or referral by) a health

care provider or is treated on at least one occasion that results in a regimen of continuing treatment under the supervision of a health care provider

ELIGIBILITY

Employees requesting family or medical leave must have at least 12 months of service and must have worked at least 1,000 hours during the 12-month period preceding the leave to be eligible for family or medical leave. The University will use a rolling 12-month method to measure eligibility for requested leave. The 12-month period is measured as a rolling 12-month period measured forward from the date the leave commences. For example, if an employee commences a FMLA leave on April 1, 2005 which lasts until April 30, 2005 (four weeks), the employee has until March 31, 2006 to use up the remaining eight weeks of FMLA leave.

PROCEDURE

Under most circumstances, leave under FMLA will be taken in a lump sum (i.e., consecutive days off from work up to 12 weeks). However, family or medical leave may be taken intermittently, or on a reduced schedule, in situations involving a serious health condition of the employee or his or her spouse, parent, or child. If an employee requests an intermittent or reduced leave schedule for reasons that are foreseeable based upon planned medical treatment, the University may, at its discretion, temporarily reassign the employee to another position that will better meet the needs of the University and the employee.

A reduced schedule or intermittent leave must be agreed to by the University for leaves due to the birth, adoption of a healthy child, or foster care.

To the extent possible and practical, advance written notice of a request for family or medical leave is required. Except in emergency circumstances, employees must provide written notice to the Human Resources Department at least 30 days in advance of the effective date of such family or medical leave. An employee should endeavor to schedule the leave so as not to unduly disrupt his or her work.

CONTINUATION OF BENEFITS

While an employee is on family or medical leave, the University will maintain its contributions to the employee's health insurance under the same terms as the plan in effect at the time the request is made, for a period up to 12 weeks, if the employee is enrolled in the University's health care plan at the time the request is made.

If the employee paid health coverage premiums prior to a Family/Medical Leave, the employee must continue to pay premiums during the leave, subject to any increases or decreases in

premiums that are applied to the entire workforce. The employee will be given advance notice of the terms and conditions of any such premium payments.

If the employee fails to return from family or medical leave, the employee will be required to repay the University its share of health plan premiums paid for the employee during the leave, provided that the failure to return to work is not due to the condition, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control (as explained in the regulations to the FMLA).

Vacation, sick and personal leave time will accrue during FMLA leave as long as the employee returns from such leave. Employee will pay contributions from any vacation or sick accruals paid during the leave or provide the University with a check. If no salary is paid from which health care contributions may be deducted or the employee declines to authorize such deductions, employee will be required to reimburse the University for the amount of health care premium as soon as practicable upon returning to work. Employee will contact Disbursements to arrange a payback schedule.

With respect to retirement plans, a Family/Medical Leave will be treated as continued service for purposes of eligibility.

COORDINATION WITH PAID LEAVE

***Employees' Own Health Condition:**

For employees on short term disability, FMLA will be administered as a separate policy and may commence after completion of short term disability. Employees who have given birth to a child may begin a leave under FMLA following a period of disability.

***Employees Taking Care of a Sick Family Member:**

For employees taking Family/Medical Leave for the care of a sick family member, employees may first use any available accrued sick time, followed by the option of accrued paid vacation. Any additional time will then taken as unpaid to complete the remainder of the 12 weeks of the Family/Medical Leave. Please note that for Administrators, the first five consecutive days to take care of a sick family member is designated as paid sick time. If the Administrator needs additional time after the fifth day, he/she must apply for FMLA.

MEDICAL CERTIFICATION

Medical certification of the need for the leave is required where the leave is caused by the serious health condition of the employee or family member. The University also requires subsequent recertification on a regular basis. Failure to comply with certification requirements will result in denial of family or medical leave.

RESTRICTIONS ON MARRIED EMPLOYEES

A husband and wife who are both employed by the University may take a combined total of 12 weeks for a Family/Medical Leave in order to care for a newly arrived child or a sick parent. This restriction applies even if the spouses are employed at different worksites or locations. If a Family/Medical Leave is requested because of the illness of a child or of the other spouse, however, each employee is entitled to 12 weeks of leave.

REEMPLOYMENT

Following a family or medical leave, the University will generally restore the employee to the same or an equivalent position. Employees are generally entitled to reemployment either in the same position or a position equivalent in pay, benefits, (subject to any changes in benefit levels that took place during the leave with respect to the entire workforce) and terms and conditions of employment.

If, upon returning from a Family/Medical Leave, the employee is no longer qualified for the position due to failure to attend a necessary course, renew a license, etc., the employee will be given a reasonable opportunity to fulfill those conditions.

An employee will not be entitled to reemployment if the employee:

1. would have been laid off during the Family/Medical Leave or would otherwise not have been employed at the time reemployment is requested;
2. has unequivocally advised the University that he/she does not intend to return to work;
3. is a key employee and rehiring the employee would cause substantial and grievous economic injury to the University; or
4. fails to provide a required fitness for duty certificate.

STATE LAW

Certain state and local laws may provide greater leave rights than those available under the Family and Medical Leave Act of 1993. It is the University's policy to comply with all applicable laws.

AMENDMENT OF THE FAMILY AND MEDICAL LEAVE POLICY

The University reserves the right to amend or modify the Policy at any time and for any reason except where such action would be contrary to the provisions of a collective bargaining agreement. No amendment will affect claims incurred for which items or services have been provided prior to the date of amendment.