

OFFICE OF HUMAN RESOURCES

MEMORANDUM

TO: All Employees

FROM: Ellen Fernberger, Associate Vice President for Human Resources

DATE: November 1, 2009

SUBJECT: Your Rights in Accordance with “The Family and Medical Leave Act of 1993” (FMLA)

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**ELIGIBLE EMPLOYEES FOR FMLA:**

- ✓ At least one year of service; and
- ✓ Completion of 1,250 hours of service with the College during the 12-month period immediately preceding the commencement of the leave.

**COVERAGE:**

As an employee of the College you are entitled to 12 weeks of unpaid job-protected leave for certain family and medical reasons. You may be eligible for 26 weeks of unpaid leave in a single twelve month period to care for a military service family member, i.e. son, daughter, spouse, parent or next of kin (nearest blood relative). You are not required to take the 12 or 26 weeks consecutively. If you need to take the leave in increments other than consecutive weeks, please discuss this with your supervisor and the Human Resources Office. Certain kinds of paid leave will run concurrently with Family Medical Leave, depending on the reason for the leave (e.g., sick, vacation).

**PERIOD OF ELIGIBILITY:**

The College uses a “rolling year” to determine eligibility. A rolling year is measured from the time an employee returns from using any Family Medical Leave.

**JOB BENEFIT AND PROTECTION:**

- ✓ For the duration of the Family Medical Leave, the College maintains your medical, dental and prescription drug plan.
- ✓ Upon return from the Family Medical Leave, you will be restored to your original or equivalent position with equivalent pay, benefits, and other employment terms.
- ✓ The use of the Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave.

**REASON FOR TAKING LEAVE:**

Unpaid FMLA leave is granted for any of the following reasons:

- ✓ To care for the employee's new-born child, newly adopted child, or newly obtained foster child; or
- ✓ To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- ✓ To care for your own serious health condition that makes you unable to perform your job; or
- ✓ To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.
- ✓ Qualifying exigency due to a family member in the military service called up for deployment.

**ADVANCE NOTICE & MEDICAL CERTIFICATION:**

You may be required to provide advance leave notice and medical certification must be provided. Approval of leave may be denied if the following requirements are not met.

- ✓ Ordinarily, you must provide 30 days advance notice when the leave is "foreseeable."
- ✓ Medical certification is required to support a request for leave due to a serious health condition, and you might be required to provide second or third opinions (at the College's expense) and a "fitness for duty report" to return to work. You must respond to such a request (Medical Certification) within 15 days of the request. Failure to provide certification may result in a denial of continuation of leave.

**UNLAWFUL ACTS BY EMPLOYERS:** FMLA makes it unlawful for the College to:

- ✓ Interfere with, restrain, or deny the exercise of any rights provided under FMLA;
- ✓ Discharge or discriminate against any person for opposing any practice made lawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**ENFORCEMENT:**

- ✓ The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- ✓ An eligible employee may bring civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or Local law or collective bargaining agreement which provides greater family or medical leave rights.

The above information is not all inclusive. The Family Medical Leave Act is available for review in the Human Resources Office, 1500 Spring Garden Street, 7th Floor Annex, Philadelphia, PA 19130.

**FOR ADDITIONAL INFORMATION:**

Contact the nearest office of the Wage and Hour Division listed in most telephone directories under U.S. Government, Department of Labor, or [www.dol.gov](http://www.dol.gov).