

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Table of Contents

Policy Statement 2

Applicability..... 2

Definitions..... 2

- Eligible Employee 2
- Immediate Family 2
- Family Leave 2
- Care of a family member 2
- Family member 2
- Serious Health Condition 3
- Continuous & Intermittent leave 5
- Rolling 12-month calendar 5
- Change in Circumstances..... 5
- Health care provider 6
- Intent to Return to Work..... 6
- Notice for foreseeable leave..... 6
- Notice for unforeseeable leave..... 7
- Protection from Discrimination 7
- Rights & Benefits of FMLA-eligible employees 7

Births and Adoptions under FMLA..... 8

NDAA (National Defense Authorization Act) 8

Employee Responsibilities Under FMLA 8

Failure to Return to Work after FMLA..... 9

The Military Family Leave Provisions..... 10

Employer Responsibilities Under FMLA..... 11

Supervisor Responsibilities Under FMLA 12

HIPAA..... 12

FMLA and Health Insurance 12

Postings..... 13

Medical Certifications 13

FMLA and Leave..... 13

Policy Statement

Wittenberg University complies with the provisions of the federal Family and Medical Leave Act of 1993 (FMLA). Much of the language and detail outlined in this policy is required by law. In many cases, Wittenberg's policies are more generous than those outlined by the FMLA. It is the university's intent to fully support faculty and staff in balancing the demands of family and work while maintaining minimal disruptions in the classroom and university operations during a family leave.

Employees should contact Human Resources with questions on any aspect of this policy or its application.

Applicability

All eligible employees are covered by this policy.

Definitions

These definitions apply to these terms as they are used in this policy:

- **Eligible Employee:** An eligible employee is defined as any employee of Wittenberg University, who has been employed by the University for at least twelve (12) months total and who has worked at least 1,250 hours during the twelve (12) month period immediately preceding the leave.
 - Employment prior to breaks in service counts towards eligibility; however, FMLA regulations limit the time period. Employers are only required to look back seven years to determine eligibility.
- **Immediate Family:** Child, Spouse or Parent, but not in-laws.
- **Family Leave:** Leave as defined by the Family and Medical Leave Act that allows the employee's excused absences from their workplace due to: the birth or legal adoption of a child, the employee's own serious health condition, the serious health condition of a member of the employee's immediate family, leave due to a call to active duty or caregiver leave to care for a family member in the armed services who is recovering from an injury.
- **Care of a family member:**
 - Encompasses both physical and psychological care.
 - Includes situations where the employee may be needed to fill in for others who are caring for the family member.
 - May include intermittent leave.
- **Family member:**
 - **Spouse** – The employee's legal husband, wife, or partner as defined or recognized under State law for purposes of marriage in the State where the employee resides.
 - **Parent** – A biological parent of the employee or an individual who stands or stood "in loco parentis" to an employee by providing primary day-to-day care and financial support when the employee was a child. Coverage *does not* include parents-in-law.
 - **Child** – The employee's biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability". ("Incapable of self-care" means requiring active assistance or supervision to provide daily self-care in three or more

basic or instrumental activities of daily living, such as grooming & hygiene, bathing, dressing, eating, cooking, taking public transportation, etc.; and a “mental or physical disability” is one that substantially limits one or more major life functions as defined under the Americans with Disabilities Act (ADA)). For purposes of “Military Caregiver Leave” child is defined the same as for other types of FMLA leave, except a child can be of any age.

- **Serious Health Condition:**

- The term “serious health condition” is not intended to cover short-term conditions for which treatment and recovery are very brief. Short-term conditions are provided for in the university’s sick leave policy.
- The chart below describes the different types of conditions that are serious health conditions under the FMLA. Serious health conditions may include conditions that involve an inpatient hospital stay or ones that include one or more visits to a health care provider and ongoing treatment. Chronic conditions and long- term or permanent periods of incapacity may also meet the requirements. Certain conditions requiring multiple treatments may also be FMLA-qualifying. See the chart on the next page for more information.

SERIOUS HEALTH CONDITION

Inpatient Care

- An overnight stay in a hospital, hospice, or residential medical care facility.
- Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

Continuing Treatment by a Health Care Provider (any one or more of the following)

Incapacity Plus Treatment

A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,
- At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.

Pregnancy

Any period of incapacity due to pregnancy or for prenatal care.

Faculty Note: For continuous FMLA due to childbirth, see the Faculty Manual.

Chronic Conditions

Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

Permanent or Long-term Conditions

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.

Conditions Requiring Multiple Treatments

- Restorative surgery after an accident or other injury; or,
- A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the employee or employee's family member did not receive the treatment.

- **Continuous & Intermittent leave** – Leave for one’s own serious health condition, or for the care of a family member with a serious health condition, may be taken on a continuous basis – or on an intermittent basis – if medically indicated. Institutions have the discretion to determine whether to allow intermittent leaves for birth, adoption, or foster placement – or whether such leaves must be continuous.
 - **Intermittent leave or reduced work schedule:**
 - There must be a medical need for leave which can be best accommodated through an intermittent or reduced work schedule
 - An employee must attempt to schedule leave or reduced work so as not to disrupt the employer’s operations
 - The employer may assign the employee to an alternative position with equivalent pay and benefits that better accommodates the employee’s intermittent leave or reduced work schedule
 - Intermittent leave may include leave periods of a quarter (0.25) hour or more for non-exempt employees and in one (1) hour increments or more for exempt employees
 - Only the amount of leave actually taken is counted toward the 12 weeks of eligibility.

- **Rolling 12-month calendar**
 - The retrospective 12-month period as measured backward from the date the employee began using FMLA leave.
 - To determine if an employee is eligible for FMLA leave during any given *work week** on a “rolling year” basis, one looks back over the 12 months immediately preceding that week. If the employee has not utilized the equivalent of 12 weeks of FMLA-qualifying leave in the 12 months prior to the date in question, then the employee is eligible for that week of leave (assuming all other eligibility criteria are met). In utilizing a rolling year, this analysis may be conducted each week to determine continued eligibility.
 - *The fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. If, however, the institution’s business operations have ceased, and employees are generally not expected to report for work for one or more weeks (e.g., during the university shutdown), those days do not count against the employee’s FMLA entitlement.
 - If a Wittenberg employee is working *and* residing outside of the State of Ohio, due to their employment situation, local state law may be applicable for FMLA. Human Resources may need to seek assistance from legal counsel for interpretation of applicable state law.

- **Change in Circumstances**
 - During the course of taking FMLA leave, the circumstances regarding the leave may change. For example, the employee may discover that more leave than planned is necessary for recovery from the employee’s own or a family member’s serious health condition. Conversely, recovery may be faster than anticipated and less leave is required. The employee may wish to return to work sooner than planned.
 - The supervisor may require the employee to provide reasonable notice of these changed circumstances. Reasonable notice usually means within two business days.
 - Additional health care provider paperwork may be required in change of circumstance instances.

- **Health care provider**
 - The following individuals licensed/authorized to practice in the state in which they practice, and performing within the scope of their practice as defined under state law:
 - Doctors of medicine or osteopathy authorized to practice medicine or surgery
 - Podiatrists
 - Dentists
 - Clinical psychologists
 - Optometrists
 - Chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist)
 - Nurse practitioners
 - Nurse-midwives
 - Physician Assistants
 - Clinical social workers
 - Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts

- **Intent to Return to Work**
 - The employee must periodically report to the supervisor regarding the employee's status and intent to return to work. Status generally refers to the employee's or the family member's progress in recovery from a serious health condition.
 - Any time the employee gives unequivocal notice of intent not to return to work, the University obligations under the FMLA stop. This means the University is no longer obligated to maintain group health benefits for the employee, and the University is not required to restore the employee to an equivalent job.
 - For example, an employee who is on FMLA leave for the birth of a child and care of that child, might advise the supervisor of intent to stay home with the child and not return to work. Once the employee advises the supervisor of this decision, the University responsibilities under the FMLA stop.
 - Certain "key employees" may be denied job restoration if they are among the highest-paid 10% of employees and if such, denial is necessary to prevent substantial and grievous economic injury to the operations of the employer.
 - Non-key employees must be returned to their same or equivalent position upon return from FMLA leave.

- **Notice for foreseeable leave**
 - To take FMLA leave, the employee must provide the supervisor and Human Resources with notice of the need to take leave. When providing notice, the employee is not required to identify the leave specifically as FMLA leave, but must provide sufficient information regarding the nature of the leave to enable Human Resources to make a determination of the applicability of FMLA.
 - If the leave is foreseeable, the employee must notify the supervisor and Human Resources of the need for leave with as much advance notice as possible before the date leave is to begin.
 - Some possible examples of foreseeable need for leave are leave for the birth of a child and leave for elective surgery. However, there may be a change in circumstances or a medical emergency that necessitates the taking of leave earlier than anticipated.

- For example, an employee's doctor may decide that to protect the health of the employee, a baby should be delivered through surgery earlier than the estimated date of delivery. When the circumstances change and leave is needed earlier than anticipated, the employee should notify the supervisor and Human Resources as soon as practical (depending upon the circumstances, usually within one or two business days).
- In such instances, updated FMLA provider paperwork may be needed.
- **Notice for unforeseeable leave**
 - In complying with the requirement to provide the supervisor and Human Resources with notice of the need to take leave, the need to take leave may take place from an unforeseeable or unanticipated event. This could arise, for example, because circumstances have changed regarding planned leave or due to a medical emergency.
 - When the need to take leave is unforeseeable, the employee is required to provide the supervisor and Human Resources with notice of the need for leave as soon as reasonable. This means that notice is provided within one or two business days of when the employee becomes aware of the need for leave. The timing of the notice is dependent upon the nature of the circumstances that cause the need for leave.
 - The notice may be provided in person, by telephone, email, or other electronic means. There may be circumstances in which the employee is incapable of providing notice personally. For example, the employee may be unconscious in the hospital. When this occurs, a representative of the employee, spouse, adult family member, doctor, attorney, etc., may provide the initial notice of the need for leave to the supervisor.
- **Protection from Discrimination**
 - The University, or any university employee, may not take any adverse action or otherwise discriminate against an employee or prospective employee who has taken FMLA leave.
 - The University, or any university employee may not interfere with any rights provided by FMLA, including:
 - Refusing to authorize FMLA leave for an eligible employee
 - Discouraging an employee from using FMLA leave
 - Changing the essential functions of the employee's job to preclude the taking of FMLA leave
 - Reducing hours of work to avoid employee eligibility
 - The University, or any university employee, may not discharge or discriminate against any person (whether or not an employee) because that person has:
 - Opposed or complained about any unlawful practice under the Act
 - Filed a charge, or has instituted (or caused to be instituted) any proceeding under or related to the Act
 - Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the Act
 - Testified, or is about to testify, in any inquiry or proceeding relating to a right under the Act
 - Used FMLA leave
- **Rights & Benefits of FMLA-eligible employees**
 - FMLA allows employees to balance their work and family life by taking reasonable unpaid leave for certain individual and family medical reasons. The FMLA seeks to

accomplish this in a manner that accommodates the legitimate interests of employers, and minimizes the potential for employment discrimination.

- The following is a list of your rights and benefits as an eligible FMLA employee:
 - 12 weeks of unpaid FMLA leave in a 12-month period
 - Continuation of group health benefits during FMLA leave, provided the employee continues with employee required premium payments
 - Restoration to the same or an equivalent job upon return to work
 - Retention of accrued benefits. However, the employer can require employees to use available paid leave benefits while on FMLA leave.
 - Protection from discrimination as a result of taking FMLA leave
- Note: The University or any university employee may not take adverse action against an employee for taking FMLA leave; however, any personnel action/decision that would have happened if the employee had continued in a work status, may happen while the employee is on FMLA leave.
- More information concerning your FMLA rights and benefits, go to www.dol.gov/whd/fmla.

Births and Adoptions under FMLA

The University offers up to 8 weeks of paid Parental Leave to eligible employees and up to 4 weeks of paid Parental Leave to care for a birth mother or newborn after birth/adoption. Paid Parental Leave runs concurrent with the 12-weeks of unpaid leave available the FMLA. Please refer to the Paid Parental Leave Policy for eligibility, parameters, and details.

Spouses employed by Wittenberg are jointly entitled to a *combined* total of twelve work weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, or for the care of a parent who has a serious health condition.

Entitlement to this feature of FMLA leave expires at the end of the 12-month period that began on the date of the birth or placement. Any such FMLA leave must be concluded within this one-year period.

NDAAs (National Defense Authorization Act)

Consistent with the provisions of the federal Family and Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Act of 2008, an eligible employee may be entitled to up to twenty-six (26) work weeks of leave during any twelve (12) month period per service member and per injury or illness, for the following reason:

- A spouse, son, daughter, parent, or nearest blood relative **caring for a recovering service member**. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. Any family and medical leave, whether paid, unpaid, or a combination thereof, will be counted towards the twenty-six week leave entitlement.

Employee Responsibilities Under FMLA

Employees requesting family leave are expected to provide their supervisor and Human Resources with appropriate notification and documentation.

- Employees should give at least a 30-day advance written or email notice to the Supervisor and Human Resources when requesting foreseeable leave, or as much

notice as is possible and reasonable. For unforeseeable leave, employees must provide notice as soon as possible.

- Upon notification of the request for leave, Human Resources will provide FMLA paperwork to the employee which includes:
 - **Notice of Eligibility & Rights.** This notice is for the employee's information only and does not need to be returned to HR
 - Either the **Certification of Health Care Provider for the Employee's Serious Health Condition** or the **Certification of Health Care Provider for a Family Member's Serious Health Condition.**
 - An employee must provide the requested certification to their health care provider and it must be returned to HR within the time frame requested. Medical recertification may be required every 30 days for prolonged illnesses. Employees will be notified by Human Resources if there is a need for recertification.
 - After receipt of the Health Care Provider's paperwork, Human Resources will provide the employee with the **FMLA Designation** form which signifies the approval or denial of the request for family leave. The employee's supervisor will be copied on the FMLA Designation form.
- Wittenberg may require the employee to get a second opinion from an independent medical provider selected by the university. The university will pay for the second opinion. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by Wittenberg and the employee, which shall be considered final and binding. The university will pay for the third opinion.
- For a personal serious health condition, employees may be required to present a fitness-for-duty clearance from their health care provider before being reinstated to active duty. Human Resources will provide the form if needed.
- If the leave is being supplemented with paid time off, benefit premium payments will continue through payroll deduction. If the leave is unpaid, the employee must make arrangements to pay benefit insurance premiums directly to the University. Please contact the Human Resources department to make these arrangements.
- Employees must notify their supervisor and Human Resources of any change of circumstances for which your leave is being taken.
- Employees on FMLA must continue to submit timecards and leave cards while on leave.
- Employees are expected to return to work by the end of the approved FMLA leave. Employees that do not return, and if failure to return is not due to a continued or newly documented qualifying serious health condition, may be required to reimburse the institution for the employer portion of their health coverage premiums that it paid on their behalf during the leave.
- Once the employee has reviewed their responsibilities, they should consult their supervisor or Human Resources for further questions.

Failure to Return to Work after FMLA

If the employee does not return to work at the end of FMLA leave, the employee shall owe the university the cost of any *unearned* benefits provided by the university during leave unless the reason the employee does not return is because of a continuation, recurrence or onset of a serious health condition, which would entitle the employee to

leave under the FMLA, or because of other circumstances beyond the employee's control.

- Examples of circumstances beyond the employee's control include the following situations:
 - the unexpected transfer of an employee's spouse to a job location more than 75 miles from Springfield;
 - the employee's obligation to care for a relative or other individual other than an immediate family member;
 - the layoff of an employee while on leave; or
 - The decision of a key employee not to return to work after notification that the university will not restore the position because of substantial and grievous economic injury to the university.
- Examples of circumstances that are within the employee's control include a parent's decision not to return to work in order to stay home with a newborn child or a situation in which an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care.
- When an employee fails to return to work because of the continuation, recurrence or onset of a serious health condition, the employee must submit medical certification of the employee's or the family member's serious health condition within 30 days of the date the employee was to return to work. If the employee does not provide such certification within 30 days of the date he or she was to return to work, the employee shall owe the cost of any benefits provided by the university during FMLA leave.
- Employees who fail to return to work after FMLA leave shall be treated as having voluntarily terminated their employment. The employee shall be entitled to continuation of health and other benefits only in accordance with the provisions of the benefit plans.
- If any employee does not return to work under circumstances where repayment is required, the employee must repay all premiums within 60 days after receiving notice of the amount owed. After that time, the amount owed will be collected as a debt, which may result in legal action.

The Military Family Leave Provisions

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a servicemember with a serious injury or illness if the employee is the servicemember's spouse, son, daughter, parent or next of kin.

QUALIFYING EXIGENCY LEAVE

A covered employer must grant an eligible employee up to **12 workweeks** of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty means:

- for members of the **Regular** Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or

- for members of the **Reserve** components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

MILITARY CAREGIVER LEAVE

A covered employer must grant an eligible employee up to a total of **26 workweeks** of unpaid, job-protected leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

A covered servicemember is either:

- a **current** member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Employer Responsibilities Under FMLA

- Wittenberg University provides employees with information regarding the FMLA in the Staff Manual. Additionally, the required FMLA poster is placed on the bulletin board outside of the Human Resources Department in Recitation Hall.
- It is the responsibility of the Wittenberg University Human Resources Department to designate leave, paid or unpaid, as FMLA-qualifying. Wittenberg University HR has the right to designate any qualifying time off as FMLA leave, even if the time is not specifically requested as FMLA leave per set by the eligible employee. It is also the responsibility of Wittenberg University Human Resources to notify the employee that it has designated such leave as FMLA-qualified.
- If Wittenberg University has reason to doubt the validity of a medical certification it may, at its own expense, require the employee to obtain a second opinion. If an employee is not able to return to work by the end of the approved FMLA leave, the employee may be eligible to request additional personal leave under

other Wittenberg University policies. The granting of such additional leave is at the discretion of the institution. In no case may all leaves combined exceed twelve months. If an employee does not return to work and is not granted additional leave, their employment will end on the last day of the approved FMLA leave.

Supervisor Responsibilities Under FMLA

- It is the responsibility of Supervisors to review employee absences of three days or more and to notify the Human Resources Department of such absences via email so that it can be determined whether such time should be designated as FMLA leave and appropriate FMLA forms can be prepared for the employee.
- A supervisor should be aware of the employee responsibilities under FMLA. Should a supervisor be unfamiliar with the guidelines related to FMLA policy, they should seek assistance from the Human Resource Department.
- A supervisor may not directly contact a health care provider to request additional information. If questions or concerns arise, the Supervisor should consult with the HR office. Arrangements may be made for a health care provider representing the institution to contact the employee's provider, with permission, for clarification and authentication.
- A supervisor should maintain contact with their employee to remain informed of any change in the circumstance for which leave is being taken and notify the Human Resources office.
- Supervisors must continue to submit time cards for hourly paid staff and leave cards for salaried staff during the FMLA leave.
- The Human Resources department retains all FMLA files & records and supervisors should not retain any copies in their files.

HIPAA

The Supervisor and the Human Resources department are responsible for ensuring that the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) guidelines are followed. The supervisor/employer is responsible for protecting the privacy and confidentiality of all Personal Health Information (PHI) obtained as a result of an FMLA application and process. HIPAA guidelines will be applied to the use, maintenance, transfer, and disposition of healthcare records and information.

FMLA and Health Insurance

Whether utilizing paid or unpaid time, employees may continue their insurance benefits during FMLA leave by paying their portion of the premiums.

Definitions:

- **Wittenberg premium contribution:** The portion of the health insurance cost the University pays on the employee's behalf
- **Premium:** The portion of health insurance cost the employee is required to pay usually through payroll deduction.

Employees on family leave without pay may also continue participation in other benefits options (i.e., dental, life, LTD, AD&D) by making arrangements to pay the premiums while not receiving a paycheck.

Please direct questions about your insurance as it relates to Family & Medical Leave to the Human Resources office.

Postings

Wittenberg University will post the general notice about FMLA in either:

- a handbook or other document that is circulated annually (which may be in electronic format),
- an eligibility, rights, and responsibilities notice,
- and a designation notice.

Medical Certifications

If certification (or recertification) is incomplete or insufficient, the Human Resources department will provide written notice of what specific information is still needed and give the employee seven calendar days to cure the deficiencies. If the certification is still deficient at the end of the seven days, HR may contact the employee's health care provider to clarify and will not ask health care providers for information beyond that required by the certification form.

FMLA and Leave

FMLA leave is unpaid (employers are not required to grant such leave as paid time off). However, Wittenberg requires that employees utilize their accrued paid sick leave, personal leave, and/or vacation, as appropriate for such absences. (Exception: If your FMLA leave is a result of an on-the-job injury, your leave may be paid up to a certain extent and under certain circumstances. Each case will be reviewed on an individual basis).

If an employee is on unpaid FMLA leave, the employee will not accrue annual leave or sick leave during this period of time. If an employee is using unpaid FMLA on an intermittent basis, leave accruals will only calculate on that paid portion of the pay period. Questions regarding the calculations of leave accruals should be directed to the Human Resources office.

Employees who accept light duty positions in lieu of taking time off from work under FMLA leave cannot have the time spent on light duty counted against their FMLA entitlement.