

FAMILY AND MEDICAL LEAVE POLICY

Adelphi University (hereinafter referred to as Adelphi) will provide family and medical leave to eligible employees.

- A. Eligible Employees - An eligible employee is an employee who has been employed for at least 12 months and who has worked 1,250 hours during the 12-month period prior to the start of a leave period.
- B. Types of Family and Medical Leaves - Eligible employees will be allowed to take 12 weeks of leave during any 12-month period for one or more of the following:
1. Birth or Placement of Child - Because of the birth of a son or daughter of the eligible employee and in order to care for such child and because of the placement of a son or daughter with the eligible employee for adoption or foster care and in order to care for such child.
 2. Care for Sick Family Member - In order to care for the spouse, son, daughter, or parent of the eligible employee if such spouse, son, daughter, or parent has a "serious health condition."
 3. Eligible Employee's Own Illness - Because of a "serious health condition" that makes the eligible employee unable to perform the functions of his or her job.
 4. Eligible employees are entitled to up to 12 weeks of leave because of "a qualifying exigency (urgency)" arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty, or has been notified of an impending call to active duty status for deployment in a foreign country of a member of either the regular or reserve component of the Armed Forces.

The 12-week leave entitlement period will be measured forward from the date of the eligible employee's first day of leave under this policy.

- C. Military Caregiver Leave - An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member with a serious illness or injury is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member.
- Covered Service Member – A covered service member is a current member of the Armed Forces or the National Guard or Reserves or a

veteran who was a member of the Armed Forces or the National Guard or Reserves at any time during the 5 years preceding the date of the medical treatment.

- Serious Injury or Illness – A serious injury or illness includes a “qualifying injury or illness” that was incurred in the line of duty on active duty or in the case of a veteran, a “qualifying injury or illness” that was incurred in the line of duty on active duty (or which existed previously and was aggravated in the line of duty on active duty) and which manifested itself either before or after the member became a veteran.

This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all type of FMLA leave.

D. Serious Health Condition - A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with an overnight stay in a hospital or other similar health care facility; or
2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days that also involves continuing treatment by a health care provider; or
3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated, it would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

E. Procedure for Taking Family and Medical Leave

An eligible employee must request family or medical leave at least 30 days in advance of the first day of leave. Where the need for such leave is not foreseeable, a request for leave must be made as soon as practicable. Failure to make a timely request may result in a denial or delay of a leave request. If a request for leave is to care for a sick family member or for an employee's own illness, a satisfactory statement from a physician that verifies the existence of the serious health condition must be provided to Adelphi's Department of Human Resources. Requests for leave and any changes in related information must be forwarded to Adelphi's Department of Human Resources.

During a leave period for the care for a sick family member or for an eligible employee's own illness, Adelphi may require a continuing verification of the applicable serious health condition. Failure to provide medical certification may result in the termination of a leave. Adelphi also retains the right to request a

second medical opinion by a physician selected by Adelphi to verify a serious health condition. Also, Adelphi may ask employees from time to time during their leave, to state their intention to return to work at the end of their family or medical leave.

Eligible employees may take leave on an intermittent or reduced-hours basis to care for a family member with a serious health condition or to attend to their own serious health condition. However, intermittent or reduced-hours leave may not be taken for leaves granted for the birth or placement of a child. Intermittent or reduced-hours leave will be granted only under the following circumstances.

- The leave must relate to a serious health condition of the eligible employee or his/her family member;
- There must be a medical need that can best be accommodated by intermittent or reduced-schedule leave;
- The serious health condition must be certified under the above procedures;
- The eligible employee must make all reasonable efforts to schedule the intermittent or reduced-hours leave so as not to disrupt Adelphi's operations; and
- The eligible employee's leave entitlement will be reduced by the actual hours of the leave taken.

During a period of intermittent or reduced-hours leave, Adelphi may also request certification or re-certification of the serious health condition under the above procedures.

Adelphi may temporarily transfer an eligible employee who is granted intermittent or reduced-hours leave to an alternate job that better accommodates that employee's recurring periods of leave.

Adelphi reserves the right to require eligible employees returning from leave due to their own illness to provide a physician's verification of their fitness to return to regular work without restrictions. Eligible employees will be returned to their former position or to an equivalent position for which they are qualified, unless the former position or equivalent position was eliminated and the eligible employee would have been affected by the elimination.

Employees on family or medical leave must contact their supervisor at least once every two weeks regarding the status of the leave.

Employees are required to notify Adelphi that they will return from a leave as

soon as they know the date of their return, if less than the time originally requested by the employee.

Failure of the eligible employee to report to work the first work day following the expiration of the approved leave, will be treated as a resignation. Further, if an employee is unable to return to work at the end of the leave period and is not disabled, the employee will be considered to have resigned his or her employment.

- F. Eligible Employee Benefits - Adelphi will continue to provide insurance benefits for eligible employees for the full term of their family or medical leave, so long as they continue to make the required contributions on a timely basis. Accordingly, the eligible employee will remain responsible for the payment of any required premiums for all coverage maintained during the leave period. If he or she fails to return from a family or medical leave, he or she will be required to reimburse the University for the Full Cost of benefits provided during leave, including the portion of cost paid for by Adelphi.
- G. Return and Reinstatement at End of Family or Medical Leave - If an eligible employee returns to work at or before the expiration of the 12-week/26-week family and medical leave period, he or she will be returned to the same position the eligible employee held when the leave period began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An eligible employee's right to job restoration is subject to being treated as if he or she had been continuously employed during the leave period.
- H. Pay During Family or Medical Leave

For Own Illness: Eligible employees must supplement disability pay (1/2 pay) with all sick, personal and accrued vacation days. No time (i.e. sick, personal and or vacation time) will accrue during any leave including a disability leave.

For Family Member's Illness: Eligible employees must use all personal and accrued vacation days for any part of the 12-week/26-week period before going on unpaid leave. No time (i.e. sick, personal and or vacation time) will accrue during any leave including a disability leave.
- I. Key Employees - Certain key employees may not be eligible for job restoration after a leave taken under this policy. A key employee is an employee who is among the highest paid 10 percent of the employees employed within 75 miles of his or her work site. You will be notified if this condition applies to you when you apply for leave under this policy.