



DICKINSON COLLEGE FAMILY AND MEDICAL LEAVE ACT OF 1993

The stated purpose of the FMLA is to help employees balance work and family life by allowing reasonable leave for specified reasons. The Family Medical Leave Act was first enacted in August 1993. The law was expanded in January 2008 to include provisions regarding military service members. In light of that change, along with court decisions and input, new final rules were published, effective January 16, 2009.

The revisions provide for improved communication between employer and employee. Employers must provide information to employees about their eligibility for FMLA leave and the designation of leave. Similarly, employees must provide sufficient information to employers, making it easier for employers to determine FMLA eligibility and application. In order to be eligible for the protection of the Act, a Dickinson employee must be employed by the College for at least 12 months and for at least 1,250 hours.

The Act provides that Dickinson employees shall be entitled to an unpaid, job protected, "Basic Family Leave" of 12 weeks in any 12-month period; "Military Family Leave" 12 – 26 weeks in 12 month period as applicable, providing that the employee gives the College advance notice. "Family Leave" is defined as leave from employment to provide care, which is necessary because of one of 6 events:

Basic Family Leave

1. For incapacity due to pregnancy, prenatal medical care or child birth.
2. To care for the employee's child after birth, or placement for adoption or foster care.
3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
4. For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave

5. A qualifying exigency caused by a family member's active military duty. (12 weeks)
6. The care of a family member seriously injured or made ill in the line of active military duty. (26 weeks)

Employees' have the option of taking the leave provided by the Act intermittently or on a "reduced leave Schedule". This option allows the employee to work shorter workweeks or shorter workdays for the College. However, it does not reduce the total amount of leave (12 weeks or 60 days) to which the employee is entitled.

When an employee is on leave pursuant to the Act, the College is required to maintain whatever health care coverage agreement the employee would have enjoyed had he or she continued in employment.

While the College is not required to pay for an employee's leave under the Act, the College will require an employee to substitute accrued paid vacation leave during the leave period. The same requirement exists in the event of one's own serious health condition, one will use accrued sick leave. The Act does state that it does not constitute a requirement on the part of the College to provide paid sick leave where it normally would not be provided.

A Dickinson employee who returns to work after a Family and Medical Leave Act leave is entitled to be "restored" to the position which he or she held prior to the leave or to "an equivalent position of like seniority status, employment benefits, pay and other terms and conditions of employment". If an employee doesn't return to work at the conclusion of leave for a reason other than a) the continuation of recurrence of his or her serious health condition/ or that of a spouse/parent/son/daughter or b) "circumstances beyond the control of the employee", the College can recover the premiums paid to provide healthcare coverage for the employee during the leave.

Dickinson's policies pertaining to Pregnancy and Personal/Family Care Leave as described in the College's Employment manuals for Faculty, Administration and Support Staff are compatible with and exceed the requirements of the Family and Medical Leave Act. For further information regarding the details of the Family and Medical Leave Act or if you have any questions regarding the College's various leave programs, please contact Human Resource Services at ext. 1026.