

FAMILY AND MEDICAL LEAVE

Dunwoody provides eligible employees with unpaid leave of absence under the provisions of the Family and Medical Leave Act (FMLA). The general provisions of the policy are outlined below. This policy is intended to comply with the FMLA, and the terms used in this policy are used as defined by the FMLA and applicable law.

Eligibility

You may be eligible for a 12 week leave of absence under the FMLA if:

- You have been employed by Dunwoody for at least 12 months (need not be consecutive)
- You have worked (actual hours worked) at least 1250 hours during the 12 month period preceding the beginning of your leave.
- Dunwoody employs at least 50 employees at your worksite or within 75 miles of your worksite for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

Reasons for Leave

Under the FMLA, eligible employees may take up to 12 weeks unpaid leave during a single rolling 12-month period for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for your child after birth or placement of a child with you for adoption or foster care
- When you are needed to care for a spouse, child or parent with a serious health condition (for purposes of this type of leave, a “child” is limited to a son or daughter who is either under age 18 or who is older and is incapable of self-care because of a disability)
- When you are unable to perform your job functions because of a serious health condition
- For a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is on active military duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. For purposes of this type of leave, a “child” is a son or daughter of any age. Examples of qualifying exigencies include, but are not limited to, preparing for short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, caring for the military member’s parent who is incapable of self-care, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Under the FMLA, an eligible employee may also take up to 26 weeks unpaid leave during a single 12-month period to care for a Covered Servicemember who is your spouse, son, daughter, parent, or your qualified next of kin. A Covered Servicemember is a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Employees who take Covered Servicemember leave for fewer than 26 weeks may also take FMLA leave for other qualifying reasons in the same year, but they are not entitled to take more

than a combined total of 26 weeks of FMLA leave (for any reason) during the 12 month period in which Covered Servicemember leave is taken.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Additional Information about Amount of Leave

Except for Covered Servicemember leaves, the 12-month period during which FMLA leave is available to an eligible employee will be calculated on a rolling year basis, measured backwards from the date the employee takes any FMLA leave.

For purposes of Covered Servicemember leave, the 12-month period will be measured forward from the date an employee’s leave to care for the Covered Servicemember begins.

Unlike other types of FMLA leave, in which the 12-week leave entitlement is available in “any 12-month period,” Covered Servicemember leave is only available in “a single 12-month period.” Covered Servicemember leave is available on a per-Covered-Servicemember, per-injury basis, meaning that an employee may not take more than one Covered Servicemember leave during their employment unless the leave is taken to care for a different Covered Servicemember or to care for a subsequent serious injury or illness of the same Covered Servicemember.

In addition, if an employee takes fewer than their 26 weeks of Covered Servicemember leave in a single 12-month period, the remaining weeks do not carry forward and are no longer available for use.

If you and your spouse are both employed by Dunwoody, you are entitled to a combined total of 12 weeks FMLA leave (not 12 weeks each) for the birth/adoption/foster care placement of a child, or to care for a parent with a serious health condition. In addition, spouses who are both employed by Dunwoody and who take FMLA leave to care for a Covered Servicemember, as described above, are limited to a combined total of 26 weeks leave (not 26 weeks each) in a single 12 month period for all types of FMLA leave.

Unless the employee requests special arrangements and is granted permission, FMLA leave for the birth or adoption of a child or for foster care placement must be taken all at one time.

FMLA leave taken because of the employee’s or another’s serious health condition, or to care for a Covered Service member’s illness or injury incurred in the line of duty (as described above), or a qualifying exigency may be taken intermittently, all at one time, or in the form of a reduced work schedule, depending upon what is medically or otherwise necessary.

Leave taken by part-time employees in the form of a reduced schedule will be pro-rated to the number of hours worked during the last 12 months.

Employee Notice

FMLA Leave should be scheduled with the employee’s supervisor as far in advance as possible. If leave is foreseeable, such as a planned medical procedure, at least thirty (30) days advance notice should be given. When taking leave due to a foreseeable qualifying exigency arising out of a covered family member’s active military duty (or impending call or order to duty), you must provide such notice as is reasonable and practicable.

If the need for leave is not foreseeable, you must provide notice as soon as possible. Employees are expected to follow the College’s regular

call-in procedures for any unforeseeable absence, absent extenuating circumstances.

Required Certification

Employees requesting family and medical leave related to the serious health condition of themselves, a child, spouse, parent, to care for a Covered Servicemember, or for leave related to a qualifying medical exigency caused by a covered family member's active military duty (or impending call to duty) must include a "Certification of Health Care Provider" form, signed by the treating physician. Dunwoody may, at its own discretion and expense, require a second or third opinion in certain cases. Employees may also be required to provide reasonable documentation or a statement of family relationship to support a request for leave. If the Department of Defense issues an employee an Invitational Travel Order ("ITO") or an Invitational Travel Authorization ("ITA") to care for a Covered Servicemember, no further certification will be required.

If FMLA leave is taken due to a military qualifying exigency, an employee will be asked to provide a certification, including a copy of the involved military orders, that a covered military member is on active duty or has been called to active duty. The employee will also be asked to provide a certification or statement about the nature and details of the exigency so that Dunwoody can determine whether it is an FMLA-qualifying exigency, the amount of leave needed, and the employee's relationship to the military member.

Certification forms can be obtained from Human Resources.

Benefits During Leave

Dunwoody will maintain benefits (such as health insurance, dental insurance, STD, LTD, life insurance, etc.) that were in effect prior to leave and on the same basis as if the employee had continued in active employment. Employee premium payments must be made in a timely manner to avoid jeopardizing coverage. Failure to pay the premiums as required may result in the termination of the employee's, and any dependents', health benefits. If an employee fails to report to work promptly at the end of the approved leave period, Dunwoody will assume that the employee has resigned. If an employee fails to return to work after the expiration of the required leave period, the employee must reimburse Dunwoody for the group health insurance premiums paid by Dunwoody to maintain health insurance coverage during the leave.

Benefit accruals, such as PTO, will be suspended during the leave, unless the leave is for a work related incident, and will resume upon return to active employment. Dunwoody will restore all benefits when the employee returns to work.

If an employee has any sick time and/or PTO available, they must use accrued sick time and/or PTO during any FMLA leave period, with the following exception:

- Employees receiving workers' compensation benefits during their FMLA Leave are not required to, and may not elect to, use PTO concurrent with FMLA Leave during the period they are receiving such benefits.

Return to Work

So that an employee's return to work can be properly scheduled, an employee on family and medical leave is requested to provide Dunwoody with at least two weeks advance notice of the date the employee intends to return to work. When a family and medical leave ends, the employee will generally be reinstated to the same position if it is available, or to

an equivalent position for which the employee is qualified. However, reinstatement may not be granted in certain circumstances, including "key employees," or in the case of a job elimination or other situations.

Care for Sick/Injured Family Members

An employee who has worked for Dunwoody for at least twelve (12) months and who has worked at least one-half (1/2) time during the past twelve (12) months may use their accrued Sick Leave (defined below) to care for the employee's sick or injured child, stepchild, foster child, adopted child, adult child, spouse, sibling, parent, parent-in-law, stepparent, grandparent, or grandchild (including a biological, step, foster, or adopted grandchild) for reasonable times as the employee's attendance may be necessary. This type of leave is referred to as a "Sick Family Member Leave".

In addition, an employee who has worked for Dunwoody for at least twelve (12) months and who has worked at least one-half (1/2) time during the past twelve (12) months may use their accrued Sick Leave to receive assistance or provide assistance to the employee's child, stepchild, foster child, adopted child, adult child, spouse, sibling, parent, parent-in-law, stepparent, grandparent, or grandchild (including a biological, step, foster, or adopted grandchild) because of domestic abuse (as defined in Minn. Stat. § 518B.01), sexual assault (as defined in Minn. Stat. §§ 609.342, 609.3453, or 609.352), or stalking (as defined in Minn. Stat. § 609.749). This type of leave is referred to as a "Safety Leave."

Eligible employees are limited to using a maximum of 160 hours of sick time in any twelve (12) month period for a Safety Leave or for a Sick Family Member Leave resulting from the illness of or injury to the employee's adult child, spouse, sibling, parent, parent-in-law, stepparent, grandparent, or grandchild.

The use of sick time under this policy must be used in the same manner as the employee would use the sick time for their own illness.

Parental Leave

Minnesota employees may also be eligible for Pregnancy and Parenting Leave. Under the Minnesota Parental Leave Act, an employee who has worked for Dunwoody for at least 12 months and who has worked at least one half (1/2) time during the twelve (12) months preceding a leave is entitled to take up to twelve (12) weeks of leave as follows:

- An eligible biological or adoptive parent may take such leave for the birth or adoption of a child; and
- An eligible female employee may take such leave for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions.

An employee requesting parental leave must give Dunwoody at least thirty (30) days advance notice of the start and end dates of the requested leave, unless such notice is not possible due to legitimate unanticipated factors in which case as much notice as is possible should be given. For a leave for the birth or adoption of a child, the leave must begin within either 12 months of the birth or adoption or, if the child must remain in the hospital longer than the mother, within 12 months of the child leaving the hospital.

Eligible employees may request up to twelve weeks of parental leave within any 12-month period. If an employee's leave of absence qualifies as both parental leave under this policy and medical leave under FMLA policy, the two leaves will run concurrently, i.e. the absence will count against both leave entitlements.

Benefit accruals, such as PTO will be suspended during the leave and will resume upon return to active employment. Dunwoody will continue to provide health insurance benefits during parental leave on the same basis as if the employee had continued in active employment.

If an employee has any sick time and/or PTO available, they must use accrued sick time and/or PTO during any FMLA leave period, with the following exception:

- Employees receiving workers' compensation benefits during their FMLA Leave are not required to, and may not elect to, use PTO concurrent with FMLA Leave during the period they are receiving such benefits.

When a parental leave ends, the employee will be able to return to the same position, if it is available, or to a similar available position, at the same rate of pay, for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, Dunwoody will assume that the employee has resigned. If an employee fails to return to work after the expiration of the approved leave period, the employee must reimburse Dunwoody for the group health insurance premiums paid by Dunwoody to maintain health insurance coverage during the leave.

Dunwoody also has a Paid Parental Leave Benefit for benefits-eligible employees. Learn more about that here (<https://catalog.dunwoody.edu/employee-handbook/employee-benefits/paid-parental-leave/>).

Bone Marrow Donation Leave

Dunwoody will provide up to 40 hours of paid leave to employees who work an average of 20 hours per week to undergo a medical procedure to donate bone marrow to another person. Verification by a physician for the purpose and length of the leave may be required. Dunwoody will not retaliate against any employee for requesting or obtaining a leave of absence as provided by this policy.

School Conference and Activities

An employee may take unpaid leave of up to a total of 16 hours within a 12-month period to attend school conferences or school-related activities related to the employee's child, provided the conferences or school-related activities cannot be scheduled during non-work hours. If the employee's child receives child care services or attends a pre-kindergarten regular or special education program, the employee may use the leave time to attend a conference or activity related to the employee's child or to observe and monitor the services or program, provided the conference, activity or observation cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide the supervisor with reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of Dunwoody. An employee may substitute any accrued paid PTO or other appropriate paid leave for any part of the School Conference leave.