

MEDICAL AND FAMILY LEAVE POLICIES

The University recognizes that inability to work because of illness or injury or because of pressing family needs may cause hardship to employees. In an effort to accommodate employees' medical and family leave needs, the University provides paid and unpaid leaves for eligible employees, as follows:

A. Paid Sick Leave

Paid sick leave may be granted for any of the following reasons, upon approval of the employee's supervisor:

1. Illness or injury: including work related events;
2. Medical or dental treatment or consultation;
3. Pregnancy or pregnancy-related medical conditions; or
4. Illness, injury or disability of a member of the employee's immediate family requiring the employee's presence.

Full-time regular classified employees accrue paid sick days at the rate of one working day per calendar month of service. Category I part-time employees accrue paid sick days in a ratio proportionate to their percentage of time worked. Category II part-time employees and temporary employees are not eligible for paid sick leave. Regular full-time classified personnel with ten years of service, and who are in the process of applying for long-term disability benefits, will be allowed to apply for additional sick time with pay to cover the difference between their accrual and the six-month waiting period for long-term disability insurance benefits. *The maximum amount of time a classified employee will be kept in a full pay status will be six months inclusive of the sick and vacation accruals.*

Eligible employees may carry over unused sick days from year to year, up to a maximum of 90 days, to ensure that such days are available in the event of a long-term illness. However, no employee is paid for accrued unused sick days at the time of termination. Paid sick leave may not be used for reasons other than those listed above. If an illness extends beyond the employee's accrued sick leave, the employee's pay will continue for the period of any accrued vacation.

Full-time regular administrative and professional staff do not accrue sick days, but the University may authorize continuation of full or partial salary for brief periods in the event of the employee's illness or temporary disability (including pregnancy), with the approval of the employee's supervisor in consultation with the Associate Vice President for Human Resources. The employee's pay will also continue for the period of any accrued vacation. *The maximum length of time a regular administrative and professional staff employee will be kept in a full pay status will be six months inclusive of allocated sick and vacation pay.*

Longer-term illnesses are covered under the leave policies described below and may be covered under the long-term disability insurance benefit plan.

B. Family and Medical Leave Act - (FMLA) Leave

In accordance with the Family and Medical Leave Act of 1993 and applicable regulations, the University provides up to 12 workweeks of FMLA leave each year to eligible employees for any of the following reasons:

1. For the birth of the employee's child and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter or parent with a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the functions of the job.
5. To take leave because of any qualifying exigency as defined by the Department of Labor arising out of the fact that the spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare,

addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

6. To take up to 26 weeks of leave during a single 12-month period to care for a spouse, son, daughter, parent or next of kin, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service members is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this use, a covered service member is defined as a current member of the armed Forces, including a member of the National Guard or Reserves.

For this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

You are eligible for FMLA leave if you have at least 12 months of service at Mercer and if you have worked at least 1250 hours during the 12-month period preceding the start of the leave.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the University's normal absence notification procedure. Employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified. If the leave is for a serious health condition, you will be required to provide a Certificate of Health Care Provider. Notification forms and forms for obtaining medical certification are available in Human Resources. Failure to provide the certification when requested will result in disciplinary action up to and including termination.

The University will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice provided will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, the University will provide a reason for the ineligibility.

FMLA leave is unpaid leave. Any accrued paid leave (paid sick leave or vacation), must be used first, but paid leave will not count against the 12-week FMLA leave entitlement. During periods of FMLA leave, the University will maintain your coverage under the University's group health plan under the same terms and conditions as if you were not on leave. You must continue to pay any share of health plan premiums you would have paid, either by prepayment or at the same time as payments would have been due. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Under certain circumstances, FMLA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (by reducing the employee's usual working hours per workweek or workday). During intermittent leave, employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Where the leave is because of a birth, adoption or foster care placement, an employee may take intermittent or reduced schedule leave only if the supervisor and Associate Vice President for Human Resources agree. Where the leave is because of a serious health condition, an employee may take intermittent or reduced schedule leave only when medically necessary, and in such a case the employee may be required to transfer to an alternative position which better accommodates recurring periods of leave. During

this intermittent leave, the use of any accrual of vacation and sick leave which is related to the FMLA condition will count as FMLA leave.

Employees on FMLA leave may be required to report periodically on their status and intent to return to work, and re-certification of medical conditions may be requested at reasonable intervals.

Upon return from FMLA leave, most employees will be restored to their original positions or to equivalent positions with equivalent pay, benefits and other employment terms. Where the leave was because of the employee's serious health condition, the employee will be required to present certification from the health care provider that the employee is able to resume work.

In compliance with the law, the University will not interfere with, restrain, or deny the exercise of any right provide under FMLA, nor will the University discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Any concerns regarding FMLA issues should be directed to the Associate Vice President for Human Resources. However, an employee may also file a complaint with the U.S. Department of Labor or may file a private lawsuit.

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

C. Additional Unpaid Medical Leave

Full-time regular employees and Category I part-time employees who have completed at least ten years of service may be granted additional unpaid medical leaves of absence. The total period of absence (including paid leave and FMLA leave) may not exceed one year. If additional leave is granted, the employee may continue coverage under the University's group health plan upon payment of the total costs of such coverage. The University will endeavor to place employees returning from such leave in their former positions or in positions comparable in status and pay, subject to budgetary restrictions, the University's need to fill vacancies, and the ability of the University to find qualified temporary replacements.

D. Bereavement Leave

Up to three days of paid sick leave may be granted in the event of a death of a member of an employee's family. Accrued vacation may be taken for absences in excess of three days.