Table of Contents

Family Medical Leave Act (FMLA) .................................................................................................................. 2
  Eligibility .................................................................................................................................................. 2
  Benefits .................................................................................................................................................... 2
  Qualifying Absences ................................................................................................................................. 2
  Employee Responsibilities ......................................................................................................................... 3
  Employer Responsibilities .......................................................................................................................... 4
  Absence Reporting Process ...................................................................................................................... 4
  Reporting Absences .................................................................................................................................. 6
State Leave Laws ........................................................................................................................................ 6
Workers’ Compensation ............................................................................................................................... 6
  Procedures ............................................................................................................................................... 6
  Reporting an Injury ................................................................................................................................. 7
  Medical Coverage .................................................................................................................................... 8
  Pay for Lost Time ..................................................................................................................................... 8
New York State Disability .............................................................................................................................. 8
FICA Tax (Social Security and Medicare) .................................................................................................... 8
Unemployment Insurance ............................................................................................................................ 9
Family Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA) was signed into law in 1993, for the purpose of guaranteeing job protection to eligible employees who are absent from work due to specified family, family military and medical reasons defined in the law.

Eligibility

Eligible employees are:
- Full-time and extended part-time faculty and staff
- Who worked at least 1,250 hours during the 12 months prior to the first day of leave
- Who completed 12 months of employment at RIT prior to the first day of leave

Student employees, part-time employees and adjunct faculty are not typically eligible.

Benefits

FMLA provides up to 12 work weeks of unpaid leave during a 12 month period. If an employee qualifies for paid leave for the absence (such as sick leave, salary continuation, short-term disability or workers compensation), the paid leave and unpaid leave will run concurrently.

Exempt employees receive unlimited salary continuation days for absence for their own intermittent sick days. However, exempt employees approved under FMLA for reduced hours or consistent, on-going medical appointments would not be paid for this FMLA time unless they use vacation hours to cover the time not worked under FMLA.

If the FMLA-qualifying absence is for a reason that does not qualify for pay continuation, the employee may either use vacation or take the leave without pay. If the employee has a grandfathered sick time bank (June 30, 2005), he/she may use this time to care for an eligible family member who has a serious health condition when approved under the FMLA.

During FMLA leave, an employee's job is protected. This means that when you return from an absence covered by FMLA, you must be restored to your original job, or to an equivalent job with equivalent pay and benefits. In addition, your use of FMLA leave cannot result in the loss of any employment benefit that you earned or were entitled to before you used the time off. To qualify for FMLA job protection, you are required to report your absence to Prudential as soon as possible, but without exception, no later than two business days after learning of the need for leave. Refer to the Sick/Personal Time and Short-term disability summary for details on reporting absences.

For FMLA eligibility purposes, the 12-month period is a rolling 12 months, counted backward from the first day an employee takes FMLA leave.

Qualifying Absences

FMLA provides job-protected leave under the following situations:
- Care of the employee's newborn child, within the first 12 months following birth.
- Placement of a child with the employee for adoption or foster care, within the first 12 months following the placement.
- Care of the employee's spouse, child or parent who has a serious health condition.
- Inability of the employee to perform one or more essential functions of his or her own job due to the employee's own serious health condition.
- Any qualifying exigency arising out of the fact that a spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard,
Reserves or from military retirement status in support of a contingency operation and for members of the regular Armed Forces deployed to a foreign country. Leave may be taken for (1) short notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care for the service member’s parent who is not capable of caring for him or herself if the care is necessitated by the service member’s absence due to active duty; and (9) additional miscellaneous activities. The limit for qualified exigency leave is to a maximum of 15 days.

- Military Caregiver Leave provides employees up to 26 work weeks of leave during a single 12 month period to care for a spouse, son, daughter, parent or nearest blood relative (“next of kin”) who is a covered current service member or a covered veteran. A “covered current service member” is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy in outpatient status, or on the temporary disability retired list, for a serious injury or illness that occurred in the line of duty while on active duty or includes injuries that preexisted the service member’s active duty that were aggravated by service in the line of duty on active duty. A “covered veteran” is a member of the Armed Forces, including the National Guard or Reserves who was discharged or released under conditions other than dishonorable and was discharged within the five year period before the eligible employee first takes FMLA military caregiver leave who is undergoing medical treatment for an injury or illness incurred in the line of duty on active duty in the Armed Forces or one that preexisted active duty which was aggravated by service in the line of duty on active duty. The injury or illness may manifest itself either before or after the member became a veteran and must fit one of the four categories of injuries/illnesses enumerated in the Final Rule. Service Member Family Leave will only be available during a single 12 month period. Service Member Family Leave may be taken intermittently, but must be taken within 12 months of when it begins. During the single 12 month period, an eligible employee is entitled to a total of 26 work weeks of leave under both FMLA and Service Member Family Leave.

Care of an employee's domestic partner with a serious health condition does not qualify for FMLA leave under the Federal law. However, RIT strives to treat domestic partners similarly to spouses whenever legally possible. Therefore, RIT will provide leave that is equivalent to FMLA leave for absences taken to care for an employee's domestic partner with a serious health condition. In order to use this benefit, the employee must have an Affidavit of Domestic Partnership on file with RIT Human Resources. Information about domestic partner benefits and the process for completing the affidavit can be found on the Human Resources website at www.rit.edu/benefits.

Care of another individual, such as a parent-in-law, grandparent, grandchild, etc., does not qualify for FMLA leave under the Federal law. This type of leave is granted at the discretion of the employee's supervisor, and is not eligible for FMLA job protection.

"Absence" includes full and partial days of absence. It also includes intermittent leave, in as little as 1-hour blocks, or a reduced leave schedule, under certain circumstances described in the law.

**Employee Responsibilities**

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 within two business days of learning of the need for leave and generally must comply with RIT's normal call-in procedures. Employees must provide sufficient information to determine 1) if the leave qualifies for FMLA protection and 2) the anticipated 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 identify if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for a leave.

**Employer Responsibilities**

Covered employers must inform employees who are requesting leave whether or not they are eligible under FMLA. If the employee is eligible, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If the employee is not eligible, the notice must provide a reason for ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA protected, the employer must notify the employee.

**Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA
- 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

**Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights.

**Absence Reporting Process**

Employees who will be absent are required to call (or have someone else call) their immediate supervisor or the department head within a minimum of one hour of their scheduled reporting time. You do not need to give details about your medical condition, just let him or her know that you are unable to work.

Prudential, RIT’s insurance company for short-term and long-term disability benefits (as well as life insurance and accidental death & dismemberment insurance), provides disability management services to RIT and its employees. You should also contact Prudential by phone or through their website to report your absence. Prudential's toll-free phone number is 1-877-908-4778 and their website address is www.prudential.com/mybenefits. Contact Prudential for your absence in the following situations:

First, report your absence for leave or disability to your supervisor. Then report it to Prudential when:

- You will be absent for more than three days and are under a physician's care
- You are hospitalized for any amount of time
- You are caring for an ill or injured qualified family member (spouse, parent, or dependent child)
- You are pregnant or are absent from work due to pregnancy complications
- You will be absent periodically due to a chronic or permanent disabling condition of your own or a qualified family member
- You are caring for a newborn child, recently adopted child, or new foster child.
- You are absent due to a lost-time, work-related injury - after first reporting it to your supervisor
- If your absence is planned in advance, you may contact Prudential before your absence begins. This may be the case, for instance, if you are undergoing elective surgery, or for a maternity disability.
The sooner you call, the better. If you don’t call Prudential, your pay may be delayed for days you qualify for Short-Term Disability benefits.

If you are unsure whether you should call Prudential to report your absence, go ahead and call. The Prudential representative will review your situation and determine what the next steps are.

Terms to Know
The following are definitions of commonly-used FMLA terms. Please note that many of these definitions are directly from the law.

Child - The employee’s child (including adopted, foster, stepchild and child for whom the employee has been appointed legal guardian) who is under age 18, or age 18 or over if the child has a serious health condition and is incapable of self-care due to a mental or physical impairment that substantially limits one or more of his or her life activities.

Chronic condition - An ongoing medical condition which:
- Requires visits from time to time for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider
- Continues over an extended period of time
- May cause occasional rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy)

Disability - An illness or injury that is not work related, and results in absence from work which is certified by a physician. Pregnancy-related conditions resulting in absence are also considered disabilities by law.

Family member - The employee’s spouse, domestic partner (for whom an Affidavit of Domestic Partnership is on file with RIT Human Resources), child (including adopted, foster, stepchild and child for whom the employee has been appointed legal guardian), and parent.

FMLA - The Family and Medical Leave Act of 1993, a Federal law.

Intermittent leave - FMLA leave taken in separate blocks of time due to a single qualifying reason.

Reduced leave schedule - A reduction in the employee’s usual number of working hours per work week, or hours per work day, for a period of time, normally from full time to part time.

Serious health condition - An illness, impairment, physical or mental condition that involves:
1. inpatient care in a hospital, hospice or residential medical care facility, or any subsequent treatment in connection with such inpatient care
2. continuing treatment by a health care provider. This includes, but is not limited to:
   a. A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider
   b. A period of incapacity due to pregnancy or prenatal care
   c. A period of incapacity or treatment for such incapacity due to a chronic serious health condition
   d. A period of Incapacity which is permanent or long-term due to a condition for which treatment may not be effective
   e. A period of absence to receive multiple treatments, including any period of recovery, for restorative surgery after an accident or other injury or for a condition that would likely result in a
period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment

**Work week** - Your scheduled hours per week based on your schedule in Oracle.

**Workers Compensation** - Provides benefits for an illness or injury that occurs on the job.

**Reporting Absences**
Refer to the Sick Time and Short-term Disability summary for details on reporting absences.

**State Leave Laws**
Along with the regulations that govern the federal Family and Medical Leave Act, New York State employers with 20 or more employees are required to comply with state leave laws. To be New York State has the following state leave laws.

- **Bone Marrow Donor Leave** – provides up to 24 hours of unpaid leave to seek or undergo a medical procedure to donate bone marrow.
- **Witness or Victim Act** – provides unpaid leave to appear as a witness, consult with the DA, exercise legal rights in connection with criminal procedure law or Family Court.
- **Leave for Military Spouses** – provides up to 10 days of unpaid leave to an employee whose spouse is a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations, and is on leave while deployed.
- **Blood Donation Leave** – grants one leave of absence (up to 3 hours) of unpaid leave in any calendar year to an employee who seeks to donate blood off premises, or provides paid time to donate blood during working hours at least two times per year at an employer-sponsored blood drive at the workplace.

**Workers’ Compensation**
RIT’s workers compensation program is self-funded – that is, all benefits provided under the program are paid for by RIT from its general assets. RIT does not process the claims for Plan benefits; RIT has entered into a contract with First Niagara Risk Management, Inc., to process these claims and to provide certain other services under the program. RIT is also a participant in the New York State Workers’ Compensation Preferred Provider Organization and provides the medical management for its program through its Preferred Provider Organization (PPO) known as First Niagara Business Works.

**Procedures**
RIT's Workers' Compensation benefits are provided to employees who are injured while performing the duties of their employment with RIT. In the event of a work-related injury, managers and employees need to follow the designated procedures to report the injury and access medical treatment. These procedures need to be followed in order for expenses associated with the injury (e.g., medical treatment, lost time wages) to be covered by RIT’s plan.

**Contact List**
Sue Quinn, RIT Human Resources – (585) 475-2429/V
Pam O’Leary, Case Manager – First Niagara Business Works
(585) 770-1600 option 1 (case management) – extension 1
### Life Threatening/Serious Injury

- Immediately contact Public Safety at 475-3333.

- Supervisor contacts Sue Quinn by phone in RIT Human Resources immediately at (585) 475-2429. If after hours, leave a message.

- If Sue is unavailable during business hours, contact Pam O’Leary at First Niagara Business Works at (585) 770-1600 option #1, ext #1.

- Complete Employee Accident Report in full and hand-deliver, email (spqpsn@rit.edu) or fax (475-7170) to Sue Quinn. Note: In these situations, the employee will most likely not be available to sign the accident report form....please forward the report anyway. Have the employee sign a copy when they are able to return to work.

### Non Life Threatening/Non Serious Injury – requiring medical care

- Immediately call RIT’s Case Manager, Pam O’Leary at First Niagara Business Works – (585) 770-1600 option #1, ext #1. Pam will set up a medical appointment based on urgency of care required.

- If you cannot reach Pam, call one of the following Urgent Care Facilities-
  - **Rochester Immediate Care**
    - (585)225-5252 - 2745 W. Ridge Rd
    - or (585)444-0058 – 2685 E. Henrietta Rd.
  - **Eastside Urgent Care**
    - (585) 388-5280 - 2226 Penfield Rd

- **After Hours:**
  - **Rochester Immediate Care**
    - M-F 9am-10pm/Weekends 9am-8pm
  - **Eastside Urgent Care**
    - M-F 10am-10pm/Weekends 9am-6pm

- If employee is being directed immediately for medical care and cannot/should not drive, provide transportation to the appointment.

- Complete Employee Accident Report and hand-deliver, email (spqpsn@rit.edu) or fax (475-7170) to Sue Quinn.

**Note:** Waiting times in Urgent Care Facilities are generally much less than an ER. Please note-you may have a nominal wait time as these facilities do accept pre-scheduled appointments.

You will also find these procedures in a flowchart format on the HR website at [www.rit.edu/benefits](http://www.rit.edu/benefits).

### Reporting an Injury

Immediately following an accident or injury, the employee needs to report the incident to his or her supervisor. All accidents and injuries must be reported by the end of the work shift on the day of accident. At that time, the employee and his or her supervisor should complete an Employee Accident Report Form found on the HR website at www.rit.edu/benefits. It is important to complete this form completely, including information regarding medical treatment and lost time (i.e., time missed from work). This information is essential to properly administer benefits under this program. After the form is signed by the employee and supervisor, it should be faxed to the Human Resources Department at 585-475-7170. Failure to report a work related accident or injury or misrepresentation of information in reporting a work related accident or injury through communication to the employee’s manager and/or on the RIT Workers’ Compensation Accident/Injury/Illness...
Report Form, is a violation of RIT policy which may result in discipline up to and including termination of employment.

**Medical Coverage**
If an employee's injury requires medical treatment, the employee should contact the case manager at First Niagara Business Works at (585) 770-1600/v to arrange medical care. In the event of a serious or life threatening injury, the employee or supervisor should contact RIT Public Safety at (585) 475-3333 or 911 immediately to arrange for an ambulance to transport the employee to the nearest emergency room. It is important that all non-emergency medical care be handled through the Preferred Provider Organization; unauthorized medical care will not be covered by RIT's Workers' Compensation program.

**Pay for Lost Time**
New York State Workers' Compensation benefits provide income replacement payments for medically authorized lost time for work related injuries and illnesses. Following a one week waiting period, state benefits provide a maximum of two-thirds of the employee's base wages to a weekly maximum defined by New York State.

During the one week waiting period, a non-exempt employee will be paid with sick/personal time, if available and an exempt employee will be paid with salary continuation. If a non-exempt employee does not have sick/personal time, the employee will not be paid during the waiting period. Following the waiting period, RIT will supplement New York State Workers' Compensation benefits to bring an employee’s pay to its regular amount for up to 8 weeks for disabilities authorized by a participating medical provider within RIT’s PPO. If you remain disabled beyond 8 weeks, your benefit will be based on the New York State benefit.

**Please Note**—Injured or ill employees are required to obtain treatment from participating PPO providers for the first 30 days of treatment. Employees have the right to opt out of the PPO after 30 days of treatment; an employee who chooses to opt out will not receive RIT’s supplemental workers’ compensation benefits.

If an employee is eligible for Family Medical Leave, lost time for a work-related injury or illness will be applied under the Family Medical Leave Act. A position will be held for six months for an employee who is either totally disabled or on restricted duty.

When an employee is disabled and receiving workers’ compensation benefits, the following additional rules apply:

- If lost time crosses over into a new fiscal year, the employee may not take vacation or sick/personal days accrued in the new fiscal year until they physically return to work.
- Employee’s will not receive holiday pay during the period of disability.
- If a planned retirement or termination date occurs, supplemental pay will end on the retirement/termination date. The statutory workers’ compensation benefit will continue if the employee remains disabled.

**New York State Disability**
New York State Disability is described in the Sick/Personal Time and Short Term Disability summary.

**FICA Tax (Social Security and Medicare)**
As required by law, RIT matches the employee’s FICA tax contributions. There are two components of the FICA tax: 1) Social Security, and 2) Medicare. The employee and RIT contributions for Social Security provide
retirement, disability and dependent benefits. The employee and RIT contributions for Medicare fund Medicare Part A. The employee Social Security and Medicare deductions are made automatically each pay period and are combined with RIT’s contributions and forwarded to the Federal Government for these programs.

Unemployment Insurance
Employees who terminate may be eligible for New York State unemployment insurance benefits. Employees should check with the New York State Department of Labor, Unemployment Insurance Division, to investigate possible eligibility.