

# FAMILY AND MEDICAL LEAVE AND OTHER LEAVE POLICIES

## FAMILY AND MEDICAL LEAVE

The Simmons College Family and Medical Leave Act (FMLA) Policy offers detailed information about your rights and responsibilities for requesting and using leave under this federal law. Here is a [link](#) to the Employee Handbook, and we invite employees who may have questions about leaves to seek advice from Talent and Human Capital Strategy.

### Qualifying for Leave under FMLA

You are eligible for FMLA leave if you have been employed by Simmons College for at least 12 months; have at least 1,250 hours of service during the 12-month period immediately preceding the leave; and if at least 50 employees are employed by Simmons College within a 75 mile radius of your worksite.

Please note: If you are not eligible for FMLA leave, you may be eligible for leave under the *Massachusetts Parental Leave Act* which replaced the prior *Massachusetts Maternity Leave Act* as of April 7, 2015. The new law permits employees who have worked full-time at Simmons, for at least three (3) consecutive months in their first year of employment, to be eligible for up to eight weeks of unpaid, job-protected parental leave for the purpose of giving birth, placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child. The *Massachusetts Parental Leave Law applies to male employees as well as female employees.*

### Your FMLA Leave Entitlement

Eligible employees have the right to up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Leave may be taken for any one, or for a combination, of the following reasons:

- to care for the employee's newborn child after birth, or placement for adoption or foster care within one year of birth or placement;
- to care for the employee's spouse\*, child (including same-sex spouse's child (that is, a stepchild)), or parent (but not in-law) who has a serious health condition; and/or
- for the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of his or her job.
- for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

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- Please refer to the section below on Military Family Medical Leave Entitlement for details on eligibility for up to 26 work weeks of unpaid leave.

\*Please note: Eligible employees in legal same-sex marriages will be able to take FMLA Leave to care for a spouse or family member, regardless of where they live.

Definitions of relationships in this document follow the definitions in the applicable law currently in effect.

### **How Much FMLA Leave You Can Take and When It Begins**

You are entitled to a maximum of 12 weeks leave under FMLA during a 12-month period. The 12-month period is a rolling period immediately preceding the date you use any FMLA leave. Each time you take FMLA leave, your remaining leave entitlement will be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

If two spouses of the same family work for Simmons, they shall only be entitled to a maximum of 12 weeks of FMLA leave during any 12-month period for the birth or adoption of the same child. For other eligible reasons, each spouse may take up to 12 weeks of FMLA leave.

### **Definition of Serious Health Condition**

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 three (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.

### **Military Family Medical Leave Entitlement**

The FMLA also includes certain military Family Leave Provisions:

- *Military Caregiver Leave:* Entitles eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member (current member or veteran of the National Guard, Reserves, or Regular Armed Forces), with a serious injury or illness incurred or aggravated in the line of

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duty, may take up to 26 work weeks of FMLA leave during a single 12-month period to care for their family member.

- *Qualifying Exigency Leave:* Entitles eligible employees may take up to 12 work weeks of FMLA leave in a 12-month period for a “qualifying exigency” related to the foreign deployment of the employee’s spouse, son, daughter, or parent.

A covered service member is either:

- a current 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. These individuals are referred to in this policy as “current members of the Armed Forces.”; or
- a veteran who was discharged or released from military services under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”

The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

### **Notice and Scheduling Your FMLA Leave**

Whenever the need for FMLA leave is foreseeable, you must give the College at least 30 days’ advance notice. Notice must be given both to your manager and to the Office of Talent and Human Capital Strategy (“THCS”). If the need for FMLA leave is not foreseeable, you must give notice to the College as soon as you reasonably can.

Whenever the need for FMLA leave is flexible (e.g., you are having elective surgery or some other medical procedure that is not urgent), we strongly encourage that you schedule your FMLA leave at a time that minimizes disruption to the College’s operations, subject to your health care provider’s approval.

### **Intermittent/Reduced Schedule FMLA**

Intermittent Leave or a reduced schedule for an FMLA qualifying event is available to you if such an arrangement is certified to be medically necessary.

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Intermittent FMLA leave can be used for other kinds of approved FMLA leave in increments of at least one hour. You should record the time you take as intermittent FMLA leave through Workday. If your medical treatment is planned, you must try to schedule such treatment in a way that does not unreasonably interrupt your department's operations. Intermittent leave should be scheduled in consultation with your manager. Complications from pregnancy are sometimes considered serious health conditions for which intermittent FMLA leave may be available.

### **How to Apply for FMLA Leave**

Applying for FMLA leave is a 3-step process:

1. As soon as practicable, tell your manager and notify the Talent and Human Capital Strategy (THCS) Office that you are requesting FMLA leave. Set up a meeting with a THCS representative at [THCS@simmons.edu](mailto:THCS@simmons.edu) or contact THCS at (617) 521-2084.
2. The THCS representative will notify you of the documentation needed to consider your request (e.g., medical certification, proof of adoption, and so forth). When requested, the certification must be provided within 15 days of the request. This documentation is needed to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
3. After the THCS Office has received and reviewed the appropriate documentation, the THCS representative will inform you whether your request for leave is eligible under FMLA.
  - If you are eligible, the notice will specify the amount of leave counted against your leave entitlement any additional information required, as well as your rights and responsibilities.
  - If you are not eligible for FMLA leave, you will be provided with a reason for the ineligibility.

The THCS Office, in its discretion, may combine Steps 2 and 3.

Generally, you must pay the costs of providing medical certification. If the College or our insurance carrier requires that you obtain a second medical opinion, the cost for obtaining that opinion will be paid by the College. If you take FMLA leave for your own or a covered family member's serious health condition for which medical certification is initially required, you may also be required to provide subsequent medical certifications. The cost of providing any such certifications, if any, will be borne by you.

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### **Pay and Benefits**

Generally, FMLA leave is unpaid. You are required, however, to use your accrued but unused sick and vacation time while on unpaid FMLA leave. The one exception is that, should you wish to do so, you may maintain a vacation balance of five (5) days to be used at a time after your return from an approved FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with your FMLA entitlement.

If and when your FMLA leave extends beyond eight (8) consecutive work days, you may be eligible to be paid in accordance with the College's Short Term Disability (STD) benefit, provided you meet the medical requirements of that program. You also may be eligible for either workers' compensation or statutory short-term disability benefits depending on which benefit applies. Receipt of disability benefits or Workers' Compensation benefits does not extend the maximum amount of leave time to which an employee is eligible under the FMLA.

If applicable, during an FMLA leave, Simmons will maintain your health coverage under any group health plan on the same terms as if you had remained actively employed. If paid time off is substituted for unpaid leave, your share of the premiums will be deducted from your pay as a regular payroll deduction. During any unpaid portion of FMLA leave, you will be required to pay the employee share of any applicable insurance premiums by delivering the payment to the Payroll Office so that it is received by the health insurance provider no later than the 1st day of each month. If your payment is more than 30 days late, you may lose coverage.

Group life insurance and long-term disability insurance will also be maintained during FMLA leave, subject to the same cost sharing applicable to active employees. While you are on FMLA leave, you do not accrue vacation time. Employees on FMLA leave do not receive pay for holidays that occur during their leave.

The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

### **Restoration Rights**

You generally have the right to return to your position or a comparable position at the end of your FMLA leave if your leave does not exceed 12 weeks in a 12-month period. If you request leave beyond 12 weeks, your request may be approved, but the additional leave will not be job protected. In determining whether or not to extend your leave, your management team will consider the business needs of your department, your performance, the effect of an extension on other employees, and your department's budget constraints, among other things. In some limited circumstances, employees may be entitled to further leave based on other laws.

Additional information regarding Leave of Absences (LOA) for faculty may be found in the current Faculty Policy Manual.

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If you become aware of changed circumstances that will foreseeably increase or decrease your need for FMLA leave, you must notify THCS of that change within two business days.

An employee will not be entitled to more favorable employment terms as a result of taking a FMLA leave than he or she would have had if no leave had been taken. Thus, an employee who takes a FMLA leave will be subject to any pay or benefit reductions or other adverse actions, including layoff that the employee would have experienced if he or she had not been on a FMLA leave.

### **Returning from FMLA Leave**

As your anticipated return-to-work date approaches, please keep both your manager and THCS informed of your plans. If you took FMLA leave because of your own serious health condition, you will need to provide, on or before your return to work, a written certification form from your health care provider that you can resume working. This certification should be sent directly to the THCS Office.

If there are any limitations on your ability to perform any aspect of your job, upon your return to work, your health care provider must describe, in his/her written statement, what the limitations are, why they exist, and their expected duration. Documentation about your limitations must be received by THCS before your anticipated date of return.

### **Dishonesty Provision**

Simmons expressly prohibits dishonesty, and/or providing false or misleading information to support a leave request. Any employee making false statements or statements that are materially incorrect with the intent of misleading Simmons College and/or falsifying or omitting information, either verbally or in written format (including electronic format) will be disciplined up to and including termination.

### **Medical Records**

Documents relating to medical certifications, recertification, or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, or government officials.

### **No Retaliation**

Remember that you have the right to take job-protected leave without suffering retaliation for exercising that right. If you have any concern that you will be or may have been retaliated against, please contact the Talent and Human Capital Strategy Office.

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### **SIMMONS PARENTAL LEAVE POLICY**

Benefits-eligible faculty and staff at Simmons are eligible for a two-week (10 days) paid parental leave upon birth, placement or adoption of a child. For birth mothers, this paid leave will run concurrently with any short-term disability (salary continuation) payments you may be entitled to receive for purposes of giving birth.

Birth fathers and adoptive parents who wish to take advantage of this paid Parental Leave benefit should notify THCS and their manager as soon as the dates for the leave become known. Paid parental leave should generally be used within 90 days of the birth or adoption of the child and runs concurrently with FMLA or Massachusetts Parental Leave. To facilitate academic planning, faculty who wish to take advantage of this leave option should notify their Department Chairs and Deans of their intent to take this leave.

The Simmons paid parental leave benefit is a leave per birth or adoption and is not per child born or adopted. (For example, upon the birth or adoption of twins, the eligible Simmons employee would be entitled to only one paid Parental Leave, not two.)

*An example of how this parental leave benefit works with other leave rights:*

*A Simmons staff member adopts a child. She meets the eligibility requirements for leave under the Family and Medical Leave Act. She is entitled to take up to 12 weeks of FMLA leave upon the adoption of the child. This leave is unpaid. However, she may be entitled to use other kinds of paid leave to continue her salary payments for some period of the FMLA leave.*

*In this example, the adoptive mother is entitled to a two-week paid parental leave, and she may use up to five of her sick days. She may also apply her accumulated, unused vacation days. So, if the adoptive mother has three (3) weeks of unused vacation, she could continue to receive her salary for six of the 12 weeks of Family Medical Leave (two weeks parental leave plus five days of sick time plus three weeks of vacation).*

### **Massachusetts Parental Leave Law (formally known as Massachusetts Maternity Leave Act or “MMLA”)**

#### **Qualifying for Leave under MA Parental Leave**

You are eligible for a parental leave under Massachusetts state law in your first year of employment if you have been employed by Simmons College for at least 3 months and are a regular, full-time employee.

#### **MA Parental Leave Entitlement**

Eligible employees have the right to 8 weeks of unpaid, job-protected parental leave upon giving birth, placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is

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adopting or intending to adopt the child. MA Parental Leave benefit is also a leave for the non-birth parent for the purpose of bonding with the child after birth.

Please note: If two parents of the same family work at Simmons, they shall only be entitled to 8 weeks of MA Parental Leave for the birth or adoption of the same child.

### **Notice and Scheduling Your MA Parental Leave**

Whenever the need for leave is foreseeable, you must give the College at least 2 weeks' advance notice of your anticipated date of departure and intention to return. Notice must be given both to your manager and to the Office of Talent and Human Capital Strategy ("THCS"). If the need for MA Parental Leave is not foreseeable, you must give notice to the College as soon as practicable, if the delay in providing notice is for a reason beyond your control.

### **Restoration Rights**

You have the right to return to your previous position, or a similar, position with the same skills, pay, length of service credit and seniority as of the date of the leave. In addition, MA Parental Leave does not affect your right to receive vacation time, sick leave, bonuses, advancement, seniority, length-of-service credit, benefits, plans or programs for which you are eligible as of the date of the leave or any other advantages or rights of employment.

Please note: Eligible employees have the right to additional protection who take leave in excess of 8 weeks. If the College agrees to provide parental leave for longer than 8 weeks, the College may not deny the employee job restoration unless it clearly informs the employee, in writing, prior to the commencement of the parental leave and prior to any subsequent extension of that leave, that taking more than 8 weeks of leave may result in the denial of reinstatement or the loss of other rights or benefits. With the approved additional MA parental leave, the College requires written communication with the employee about what will not be guaranteed after the 8 weeks of leave.

## **DOMESTIC VIOLENCE AND ABUSIVE SITUATION LEAVE**

Pursuant to Massachusetts' Domestic Violence and Abusive Situation law, qualifying employees are entitled to up to 15 days of job-protected leave to address domestic violence issues affecting you or members of your family. The leave may be paid or unpaid, and certain notice and documentation obligations apply. All Simmons employees are covered by this law. There are no eligibility requirements.



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You may take leave under this law to attend to health, safety, or legal issues related to domestic violence, stalking, sexual assault, and certain other abuses that affect you or certain family members.. Covered family members include a spouse, child, or parent (including those related by marriage). It also includes a sibling, grandchild, or grandparent, a domestic partner, any person with whom the employee has a child or with whom the employee has a guardianship relationship.

Where possible, you should give your manager advance notice of the need to take leave. But in the event of imminent danger and notice is not possible, the employee can take up to three days after leave has begun to notify the employer. The employee may take up to 30 days after the leave to provide documentation to THCS, which may take a variety of forms, including medical records, court or law enforcement documents, or a sworn statement. All reasonable efforts will made to keep documentation regarding the need for such leave confidential.

### **DISABILITY COVERAGE AND SALARY CONTINUATION PAYMENTS**

If you become seriously ill, injured, or disabled and unable to work because of a serious health condition, you may be eligible to receive salary continuation payments under one or two Simmons policies.

### **SALARY CONTINUATION PAYMENTS (Often referred to as “STD” benefit)**

If you are a full-time employee and become seriously ill, injured, or disabled, and your health condition is expected to last more than 7 days but less than 26 weeks, you may be eligible to receive salary continuation payments while you recover. An employee has to be employed for one year to be eligible for this benefit. The amount you receive will depend upon the length of your illness and your length of service. Generally, eligible employees hired *after July 1, 2000*, will receive up to 60% of their salary during their extended illness, injury, or disability for up to 26 weeks. Disability benefits may be offset by other earnings.

Employees hired *before July 1, 2000*, may be eligible to receive more than 60% of their salary (depending upon their length of service) *during the first eight weeks of their extended illness, injury, or disability*. Employees who are entitled to receive salary continuation payments, regardless of date of hire, could receive up to 60% of their salary if their medical condition prevents them from returning to work after eight weeks. All payments are dependent on providing sufficient medical documentation of the medical condition.

Pending approval from Simmons, payments under this policy begin following the seventh (7th) calendar workday of an illness or injury, regardless of whether the injury was foreseeable or not. During the initial seven-day period, the employee must first use his or her available sick days and then his or her available vacation

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days. If the employee has no available sick or vacation days, the initial period shall be unpaid.

Short-Term Disability benefits are available for a maximum of 26 weeks in any 52-week period. The 52-week period is measured from the date of the initial injury or illness.

Short-Term Disability benefits, which are calculated as a percentage of the employee's regular pay, are capped at \$1,800 per week.

If you are approved for Short-Term Disability benefits, your benefits for the first eight (8) weeks of disability leave are based upon your years of service:

<b>Date of Hire</b>		<b>*Percentage of Pay Up to 8 Weeks</b>	<b>*Percentage of Pay After 8 Weeks</b>
On/After	July 1, 2000	60%	60%
On/Between	July 1, 1999– June 30, 2000	65%	60%
On/Between	July 1, 1998– June 30, 1999	72%	60%
On/Between	July 1, 1997– June 30, 1998	79%	60%
On/Between	July 1, 1996– June 30, 1997	86%	60%
On/Between	July 1, 1995– June 30, 1996	93%	60%
On/Before	June 30, 1995	100%	60%

\*Disability benefits may be offset by other earnings.

The process for determining length of time off for a disability will be determined by a third-party administrator through an advice-to-pay program. An employee will fill out the necessary leave paperwork provided by Talent and Human Capital Strategy. The employee's physician will submit medical documentation directly to the administrator, who will then advise the Talent and Human Capital Strategy Office how long an employee should remain out of work. All subsequent medical documentation from an employee's physician will be sent directly to the insurance carrier.

Employees may supplement accrued sick days and/or vacation days to bring their compensation to 100% for the first eight weeks.

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### **SUPPLEMENTAL DISABILITY INCOME**

Employees can purchase supplemental STD insurance through Colonial Life Insurance. The opportunity to purchase additional supplemental insurance will be made available through payroll deduction. More information is available through the THCS Office.

### **LONG-TERM DISABILITY (“LTD”)**

If you have a serious health condition that makes you unable to perform all or some essential functions of your job for longer than 26 weeks, you may be eligible to receive long-term disability pay. The amount of LTD coverage you get is based on your salary. LTD coverage provides up to 60% of your basic monthly earnings, up to a maximum of \$15,000 per month. The Talent and Human Capital Strategy Office will provide you with an application for LTD coverage. Simmons’s LTD insurance carrier makes the final determination as to whether you will receive LTD benefits. Simmons does not provide LTD benefits if the LTD insurance carrier decides that you are not entitled to them. You will need to provide all documentation and information, including information from your physician, requested by the LTD insurance carrier.

Generally, after 26 weeks of inactive employment, you are no longer eligible to participate in the College’s benefits plans and are not considered an employee of the College. You are, however, eligible to continue in your current health insurance plan (if you elected to have coverage) under COBRA, provided that you pay the entire premium. If you are deemed disabled by the Social Security Administration, your eligibility under COBRA may be extended up to a total of 29 months. The fact that you have been approved for and/or are receiving long-term disability payments does not entitle you to any job protection or reinstatement rights.

### **PERSONAL LEAVE**

At the College’s discretion, we may grant a limited, personal leave of absence without pay. During any such leave, you may not do anything that conflicts with the interests of the College. You should submit to your manager a written request for a personal leave and explain in detail the reasons you are seeking a leave and what you hope to accomplish by the end of the leave. Requests are considered by senior management. The length and conditions of the leave will be determined on a case-by-case basis. The College is not obligated to hold your position open for you. You are responsible for continuing benefit coverage during this period under rates applicable under COBRA.

### **SABBATICALS**

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The Simmons Faculty Policy Manual offers information about sabbaticals for faculty. Sabbaticals are not available to staff.

### **SMALL NECESSITIES LEAVE**

If you are eligible for FMLA leave, you are also eligible to leave under the Massachusetts Small Necessities Leave Act. Under this law, you are entitled to take up to 24 hours of leave during a 12-month period under the following circumstances:

- ◆ to participate in school activities directly related to your child's educational advancement such as parent-teacher conferences or interviewing for a new school;
- ◆ to accompany your child or an elderly relative to routine medical or dental appointments, such as check-ups or vaccinations; or
- ◆ to accompany an elderly relative, 60 years of age or older, to appointments for other professional services related to his or her care, such as interviewing for such a relative's admission to a nursing home.

We will require that you use accrued, unused vacation time for this purpose. If you do not have accrued, unused vacation, your small necessities leave time may be unpaid. Small Necessities leave is in addition to, not a replacement for, leave under the FMLA. You must give your manager seven days' notice when the Small Necessities leave is foreseeable. Managers should track the usage of Small Necessities leave and notify the Human Capital Office.

### **JURY & WITNESS DUTY**

Simmons recognizes an employee's civic duty to appear as a juror or witness in court. If you are summoned or subpoenaed to appear in court, you will receive normal compensation for the first three days of juror service and the first day of witness service. Beyond that, you will receive normal compensation less amounts paid to you for service as a juror or witness.

You should notify your supervisor as soon as you become aware of your court obligations so that arrangements can be made to accommodate your absence. Because court duty often does not require a full time commitment, employees are expected to report to work on days or reasonable portions of days when attendance in court is not required.

### **BEREAVEMENT LEAVE**

If a member of your immediate family dies, and if you are a regular full-time or regular part-time employee, you may take up to three work days off with full pay to attend the funeral (or other services) of the deceased. An immediate family

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member is defined as a father, mother, sister, brother, spouse, domestic partner, son, daughter, grandparents, grandchild, parent-in-law, and any person with whom you reside. Any exceptions to this leave must be approved by Manager and VP of Talent and Human Capital Strategy.

### **MILITARY LEAVE**

We support employees who serve our country by fulfilling military obligations. Eligibility for military leave extends to part-time employees but not to temporary workers who have no realistic expectations of ongoing employment. When you are notified that you have been scheduled for reserve duty, reserve training, or active duty, you should immediately notify your manager and the Talent and Human Capital Strategy Office. Whenever possible, all military leave requests should be submitted in writing and include the following:

- Documentation detailing the specifics of the request, including departure date and return date
- Documentation from the military indicating the dates of service
- A written statement from you indicating that you intend to return to work at the end of your leave

The written request for leave must be submitted as soon as you receive orders which indicate that a leave may be necessary. If your period of duty is extended during the leave, you must notify the College of the need for an extension of the leave immediately upon learning of the extension. If the possibility of a leave or of the need to extend a leave is known to you, you should verbally notify your supervisor and the THCS Office of that possibility as soon as possible.

### **Reserve Duty and Training**

You are entitled to take military leave to fulfill your obligations in the military reserves or as part of active-duty training. We will pay the difference between your regular pay and the pay that you receive from the military for the first 2 weeks (10 days) of your reserve duty or active training duty. The remainder of your leave will be unpaid unless you choose to use your accrued, unused vacation.

### **Active Duty**

You are entitled to take a military leave of absence of up to five years because of active duty in the United States uniformed services, in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

If you are called to active duty, the College will pay the difference between your regular pay and the pay that you receive from the military for the first 60 days of your leave. During the remainder of your leave, you may choose but are not required to use accrued vacation to supplement your military pay (you may use vacation days on a partial basis). Employees should not perform any work for the

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College during any week when the worker is absent and the employee's pay has been reduced.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing for reasonable travel time. Employees on longer military leave must submit a timely application for reinstatement in accordance with the USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed, or in a comparable position, depending on the length of military service in accordance with the USERRA. Employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees who serve in the military for 30 days or more consecutive days will not be discharged, except for cause for six months after they return to work. This period protection extends to one year for employees who serve 181 or more consecutive days. Returning employees will also be afforded all job protections as required by the USERRA.

For military leaves of 31 calendar days or less, Simmons will continue your health insurance benefits under the same terms and conditions as if you were actively employed at the College. For longer leaves, eligible employees may elect COBRA-like coverage for a period of up to 24 months. If you elect to continue your health plan coverage, the College will pay a portion of your insurance premium for up to 24 months (the same portion as if you were actively employed). Upon reemployment, you will be reinstated in the College's health plan without a waiting period. Additional questions about the continuation of health insurance benefits during a military leave should be directed to the THCS Office.

As is the case with other leaves of absence at Simmons, you do not accrue vacation time while on military leave, and you will not receive pay for holidays that occur during your military leave.

If you are enrolled in the retirement plan, and if you return from military leave to work at the College, we will make those contributions to the Plan that would have been made had there been no break in your employment. Please ensure that you notify the THCS office upon return from military leave.