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THE CITADEL  
The Military College of South Carolina  
171 Moultrie Street  
Charleston, SC 29409

MEMORANDUM  
NUMBER 5-129

24 February 2026

## **FAMILY MEDICAL LEAVE ACT POLICY**

### **1. PURPOSE**

The Citadel complies with the Family and Medical Leave Act (FMLA) and its implementing Regulations. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The Citadel posts the mandatory FMLA Notice and, upon hire, provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act. The Notice is located in the Human Resources Benefits Office within The Citadel.

The Citadel also posts supplementary information from the U. S. Department of Labor regarding Military Leave at the same location.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Benefits Manager in writing.

### **2. REFERENCE**

South Carolina Human Resources Regulations

[The Americans with Disabilities Act \(ADA\) of 1990](#)

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

### **3. DEFINITIONS**

N/A

### **4. POLICY:**

## A. General Provisions

Under this policy, The Citadel may grant up to 12 work weeks of FMLA leave, or up to 12 work weeks of a qualifying exigency leave, (or up to 26 work weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12-month period to eligible employees. FMLA leave is generally unpaid. However, employees may substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave and such paid leave will run concurrently with the unpaid FMLA leave, The Citadel may require the employee to substitute accrued paid leave for unpaid FMLA leave depending on the circumstances of the leave and as specified in this policy.

## B. Eligibility

To qualify to take Family Medical Leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for The Citadel, or the State of South Carolina covered employer for 12 months prior to the leave request. The 12 months of employment do not have to be consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If there is a break in service lasting seven years or more, time worked prior to the break will not count, unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service.

***Please note: For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.***

- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by The Citadel within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **C. Type of Leave Covered**

To qualify as FMLA leave under this policy, an eligible employee may take leave for one of the reasons listed below:

- 1) The birth of a son or daughter of the employee or placement of a son or daughter with the employee for adoption or foster care;
- 2) To care for a spouse, son, daughter, or parent who has a serious health condition;
- 3) For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- 4) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee who is on active duty or who has been notified of a call to active duty status.

Family members are defined as follows:

- 1) "Child" means biological, adopted, or foster child, a stepchild, legal ward or a child being raised by the employee. The child must be (a) under age 18 or (b) older than 18 with a mental or physical disability and incapable to care for himself/herself.
- 2) "Spouse" means husband or wife as defined or recognized under state law for purposes of marriage in South Carolina, or state where the employee resides, including "common law" marriage and same-sex marriage.
- 3) A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. This policy also covers continuing treatment by a health care provider as provided in the regulations. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under The Citadel's sick leave policy should consult with the HR manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided

under this policy, The Citadel may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 4) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of active military duty or call to active duty status may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the child of the covered military member who is under the age of 18 or age 18 or older and incapable of self-care, provided that the need for counseling arises from the active duty or call to active duty status, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty or call to active duty status provided that the employer and employee agree to both the timing and duration of the leave.

The leave for short-notice deployment can be used for a period of seven calendar days beginning on the date a covered military member is notified of an impending call or order to active duty.

The term "son" or "daughter" for this type of FMLA leave is defined the same as for "child" for other types of FMLA leave except that the person does not have to be a minor. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period. In addition, a call to active duty for the purposes of leave taken because of qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under certain circumstances as defined by the FMLA.

- 5) Military caregiver leave (also known as covered service-member leave) to care for an ill or injured service-member.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin of a covered service-member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service-member.

## **D. Amount of Leave**

An eligible employee may take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The Citadel measures the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, The Citadel will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee may take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, The Citadel will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for The Citadel and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for The Citadel and each wishes to take leave to care for a covered injured or ill service-member, the husband and wife may only take a combined total of 26 weeks of leave.

## **E. Employee Status and Benefits During Leave**

While an employee is on FMLA leave, The Citadel will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, The Citadel will require the employee to reimburse The Citadel the amount it paid for the employee's health insurance premium during the leave period.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by e-mail. The payment must be received in the Payroll Department by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## **F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The Citadel may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

## **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid annual or sick leave prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of paid parental leave (PPL), the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid annual leave or family sick leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid annual or sick leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid annual leave or sick leave (if the reason for the absence is covered by The Citadel's sick leave policy) prior to being eligible for unpaid leave.

## **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, on a reduced leave schedule such that it reduces the workweek or workday, resulting in a reduced hour schedule. If leave is taken on an intermittent or reduced leave schedule, there must be a medical need for leave and it must be that such medical need is best accommodated through an intermittent or reduced leave schedule. An employee taking leave on an intermittent or reduced leave schedule should make reasonable efforts to schedule such leave so as not to disrupt The Citadel's operations. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service-member over a 12-month period).

The Citadel may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, The Citadel and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with The Citadel before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

## **I. Certification for the Employee's Serious Health Condition**

The Citadel requires certification from the employee's health care provider of the employee's serious health condition. The employee is required to furnish certification at the time he/she gives notice of the need for leave or within five business days thereafter. In the case of unforeseen leave, the certification should be given within five business days after the leave commences. In addition, The Citadel may request certification at a later date if it has reason to question the appropriateness of the leave or its duration. Under those circumstances, the employee must respond to a request for certification by The Citadel within 15 calendar days of the request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. In the event of a delay, the employee should make reasonable efforts to provide a reasonable explanation for the delay. Failure to provide certification may result in

a denial of continuation of leave. Medical certification should be obtained using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The Citadel may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Citadel will not use the employee's direct supervisor for this contact. Before The Citadel makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. The Citadel will comply with the requirements of the HIPAA Privacy Rule when obtaining health information from the provider. If an employee chooses not to provide The Citadel with authorization allowing it to clarify the certification with the health care provider, and does not otherwise clarify the certification, The Citadel may deny the taking of FMLA leave if the certification is unclear.

The Citadel has the right to ask for a second opinion if it has reason to doubt the certification. The Citadel will pay for the employee to obtain a second opinion. The Citadel will select the health care provider to provide the second (or third) medical opinion. The Citadel may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, The Citadel will require the opinion of a third doctor. The Citadel and the employee will mutually select the third doctor, and The Citadel will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **J. Certification for the Family Member's Serious Health Condition.**

The Citadel requires certification for the employee's family member's serious health condition. The employee is required to furnish certification at the time he/she gives notice of the need for leave or within five business days thereafter. In the case of unforeseen leave, the certification should be given within five business days after the leave commences. In addition, The Citadel may request certification at a later date if it has reason to question the appropriateness of the leave or its duration. Under those circumstances, the employee must respond to a request for certification by The Citadel within 15 calendar days of the request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. In the event of a delay, the employee should make reasonable efforts to provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of or continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The Citadel may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Citadel will not use the employee's direct supervisor for this contact. Before The Citadel makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification.

The Citadel will comply with the requirements of the HIPAA Privacy Rule when obtaining health information from the provider. If an employee chooses not to provide The Citadel with authorization allowing it to clarify the certification with the health care provider, and does not otherwise clarify the certification, The Citadel may deny the taking of FMLA leave if the certification is unclear.

The Citadel has the right to ask for a second opinion if it has reason to doubt the certification. The Citadel will select the health care provider to provide the second (or third) medical opinion. The Citadel will pay for the employee's family member to obtain the second (or third) medical opinion from a health care provider that The Citadel will select. The Citadel may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, The Citadel will require the opinion of a third doctor. The Citadel and the employee will mutually select the third doctor, and The Citadel will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **K. Certification for Leave Taken Because of Qualifying Exigency**

The Citadel requires employees to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. Employees are required to provide The Citadel with a copy of new active duty orders or other documentation issued by the military if need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different military member.

An employee requesting leave for any qualifying exigency should provide certification that sets forth the following information: (1) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested, (2) the approximate date on which the qualifying exigency commenced or will commence, (3) if the leave is for a single continuous period, the employee should provide the beginning and end dates for the leave, (4) if the leave is requested on an intermittent or reduced schedule basis, the employee should provide an estimate of the frequency and duration of the qualifying exigency, (5) if the qualifying exigency involves meeting with a third

party, the employee should provide the appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting, and (6) if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave and the dates of the leave.

The employee is required to furnish certification at the time he/she gives notice of the need for leave or within five business days thereafter. In the case of unforeseen leave, the certification should be given within five business days after the leave commences. In addition, The Citadel may request certification at a later date if it has reason to question the appropriateness of the leave or its duration. Under those circumstances, the employee must respond to a request for certification by The Citadel within 15 calendar days of the request, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. In the event of a delay, the employee should make reasonable efforts to provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **L. Certification for Serious Injury or Illness of Covered Service-member for Military Family Leave**

The Citadel will require an employee to provide certification completed by an authorized health care provider of the covered servicemember for leave that is taken to care for a covered servicemember with a serious injury or illness. For the purposes of leave taken to care for a covered servicemember, certification may be provided by any of the following health care providers: (1) a United States Department of Defense ("DOD") health care provider, (2) a United State Department of Veterans Affairs health care provider, (3) a DOD TRICARE network authorized private health care provider, (4) a DOD non-network TRICARE authorized private health care provider; or (5) any health care provider as defined in the regulations. The employee is required to furnish certification at the time he/she gives notice of the need for leave or within five business days thereafter. In the case of unforeseen leave, the certification should be given within five business days after the leave commences. In addition, The Citadel may request certification at a later date if it has reason to question the appropriateness of the leave or its duration. Under those circumstances, the employee must respond to a request for certification by The Citadel within 15 calendar days of the request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. In the event of a delay, the employee should make reasonable efforts to provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service-member.

## **M. Recertification**

The Citadel may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days. The Citadel may request recertification in less than 30 days if the employee requests an extension of leave, or if circumstances described by the previous certification have changed significantly, or if The Citadel receives information casting doubt on the reason given for the absence or continuing validity of the certification, or if the employee seeks an extension of his or her leave. The Citadel may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

## **N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave, and the anticipated timing and duration of the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days advance notice before FMLA leave is to begin. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave on the same day or the next business day that the leave is to begin. The Citadel reserves the right to request an explanation from the employee of the reasons why such notice was not practicable. In addition, when the need for FMLA leave is not foreseeable, the employee must comply with The Citadel's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

For leave that is foreseeable due to a qualifying exigency, notice must be provided as soon as practicable.

For FMLA leave that is to be continuous or taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise The Citadel as soon as practicable if the dates of scheduled leave change or are extended, or were initially unknown.

## **O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

## **P. Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, The Citadel may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. If it becomes necessary for the employee to take more leave than originally anticipated, or if the employee discovers after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary, the employee should provide The Citadel with notice within 2 business days of the changed circumstances, where foreseeable.

## **Q. Fitness for Duty**

As a condition to restoring an employee whose leave was because of his/her own serious health condition, The Citadel may require the employee to obtain certification from the employee's health care provider that the employee is able to resume work. The employee is responsible for the cost of obtaining certification from his/her health care provider of his ability to perform the essential functions of his/her position. The Citadel may delay restoration of the employee until the employee submits a required fitness-for-duty certification.

With regard to intermittent leave or a reduced leave schedule, The Citadel may request a certification of fitness to return to duty every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties because of the serious health condition for which the leave was based.

## **5. COMPLIANCE**

Failure to comply with this policy and/or leave abuse may result in disciplinary action, up to and including termination.

## **6. NOTES**

### **A. Dates of Official Enactment and Amendments:**

Approved by the Vice President for Finance on 24 February 2026.

### **B. Responsible Department:**

Human Resources

### **C. Responsible Official:**

Chief Human Resources Officer

**D. Cross References:**

[Attendance-and-Leave-Policy-2024](#)

**7. RESCISSION**

All prior versions of this Memorandum are rescinded.

**8. REVIEW**

Review this policy on a biennial basis.

FOR THE PRESIDENT

OFFICIAL

**s/ PREETHI SAINT**  
Colonel, SCM  
Vice President for Finance