



Policies and Procedures Manual

Title: Family and Medical Leave Act Policy
Policy Administrator: Director Administrative Services
Effective Date: Mar-22-2010
Approved by: General Counsel

Purpose:

The College has established the following policy and procedures in compliance with the Family and Medical Leave Act of 1993 (FMLA).

Policy:

1.0 Eligibility

Employees who have completed twelve (12) months of employment and have worked more than 1,250 hours in the preceding twelve (12) months are eligible for Family and Medical Leave Act (FMLA).

2.0 Benefit

FMLA may be taken by eligible employees for up to 12 weeks unpaid leave during a 12-month period for the following purposes:

- To care for a newborn, a newly adopted or newly placed foster child
- To care for a child, a spouse or a parent who has a serious health condition
- The employee's own serious health condition
- Active Duty Leave
Leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
- Caregiver Leave
This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member.

2.1 Length of Allowable Leave

The 12 weeks of leave under FMLA must be used with an employee's available but unused vacation days, personal days and floating holidays. Leave requested by employee to care for a seriously ill child, spouse or parent or for his/her own illness may be taken intermittently or the employee may work a reduced time schedule to an equivalent of 12 work weeks.

A female employee may combine leave allowed under FMLA with maternity leave, but the total leave time will not exceed 12 weeks in a given year. Upon the approval of the area vice president, and based upon the operational needs of the department, a reduced work time—not to exceed a period of 12 weeks in total—may be approved for the birth or placement of a child.

A male or female employee may take 12 weeks of leave for the adoption of a child and use up to 8 weeks of accrued sick pay. If spouses are employed by the College, the couple's combined leave for adoption shall not exceed 12 weeks or the combined sick time exceed 8 weeks. To care for a sick parent, the couple's combined leave will be limited to a total of 12 weeks, if however, the leave is requested to care for a seriously ill child, each parent is entitled to the full 12 week leave.

Upon the approval of the area vice president, and based upon the operational needs of the department, an additional 90-days accommodation of prorated reduced time may be approved. Reduced time will not exceed 50 percent of scheduled time. It must be emphasized that the granting of an extension is not an entitlement and will only be accommodated as approved by the area vice president on a case-by-case basis.

2.2 Accruals and Benefits

Pay and accruals of vacation, sick time or other times will be prorated based upon time worked. Health benefits will continue for the 12-week period of leave under FMLA on the same basis as if the employee were continuously employed. However, while on leave without pay, employees will not accrue any vacation, sick or personal days, nor will they be paid for holidays.

2.3 Reinstatement

An employee will be reinstated to the same position he or she held when FMLA leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the employee can perform the essential functions of the position. An employee is not entitled to any benefit greater than those to which he/she would have been entitled had the leave not been taken. For example, if a lay off occurred during the leave, the employee's job restoration benefits would depend upon his/her status had he/she been on the job at the time of the lay off.

2.4 Definitions

Serious Health Condition

For Family Medical Leave purposes, a serious health condition is defined as an illness, injury, impairment or physical or mental condition that

1. involves inpatient care in a hospital, hospice or residential facility, or
2. involves continuing treatment from a health care provider.

Family Relationships

Family relationships are defined as parent/child relationships including step-children and step-parents, legal wards and guardians, and those standing in loco parentis. A child is defined as a son or daughter under the age of 18, but includes children over the age of 18 who are incapable of self-care due to a physical or mental disability. A spouse is defined as a husband or wife.

Given Year

A given year refers to a 12-month period that starts at any point in the calendar and runs for 12 months, i.e. a year, as opposed to a calendar year (January-December) or a fiscal year (July 1-June 30).

Procedures:

1.0 Requesting FMLA

Family Medical Leave Act Request Form

Employees should complete the [Family Medical Leave Act Request form](#). This form is also available in human resources. Employees are expected to provide as much advance notice to their supervisor and human resources of the need for a leave as is possible. If the leave is foreseeable, the College asks that the request be made 30 days prior to the expected leave period to allow for planning of coverage in the employee's department.

Certification and Verification

Certification from a qualified health care provider must accompany any requests for leave on a health basis. Such certification should be provided before the leave begins (or in as timely a manner as possible). Employees should complete the [U.S. Department of Labor's Certification of Health Care Provider for Employee's Serious Health Condition form](#).

Verification for requests for adoption or child placement is also required.

Accrual Statement

Upon employee's notification or submission of the Family Medical Leave Act Request form, human resources produces a statement of the employee's paid time-off accruals.

Appointment with Director of Human Resources

Upon submitting the FMLA request form, an appointment with the director of human resources is scheduled.

FMLA and Workers' Compensation

If an employee who is on Workers' Compensation meets the criteria of FMLA, human resources will provide the necessary paperwork to that individual. (FMLA and Workers' Compensation may run concurrently.)

2.0 Returning to Work

As required by law, communication with the College is expected during an employee's leave. An employee should notify his/her supervisor and human resources at least one week prior to his/her expected date of return to work.

If the FMLA leave was for the employee's own medical condition, upon return from leave it is required that the employee present certification from the employee's health care provider that the employee is able to resume work.

Employees who voluntarily do not return to work after an unpaid leave period are responsible for their health care premiums. Employees may have to reimburse the College for medical coverage provided during the unpaid leave period. Additional details are available in human resources.

Questions relating to the provisions and eligibility requirements for FMLA leave should be directed to human resources.

Forms:

Title: U.S. Department of Labor's Certification of Health Care Provider for Employee's Serious Health Condition form
Title: Family and Medical Leave Act Request Form

Related Information:

Title: United States Department of Labor
Title

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