



# Policy Manual

<b>Title:</b> Employee Leave	<b>6Hx2-3.11</b>
<b>Legal Authority:</b> Fla. Statutes 1001.64 (4) (b); 1001.65 (3); 1012.865, 741.313, 119, <u>Family and Medical Leave Act of 1993</u>	<b>Page:</b> 1 of 4

## GENERAL STATEMENT

In accordance with *Florida Statutes, Florida State Board of Education Administrative Rules, Family and Medical Leave Act of 1993* and procedures established by the President, full-time College employees may request leaves of absence when it is necessary to be absent from duty. All absences of employees shall be covered by leave duly authorized, granted, reported, and recorded.

## THE POLICY and THE FACULTY AND STAFF.

Employees who are absent from work for three (3) consecutive days due to illness may be required by the college to submit a certificate from a licensed medical professional attesting to the illness, subject to the terms and conditions of the applicable bargaining agreement. Any employee who is absent without approved leave shall forfeit compensation for the time of such absence and shall be subject to disciplinary action up to and including dismissal.

College personnel shall earn leave credit while on leave with pay. All leaves from duty require prior approval with the exception of unanticipated sick leave as well as personal leave, bereavement leave and workers' compensation leave. Request for Leave of Absence forms must bear the signature of the employee's immediate supervisor or in his/her absence, the next level supervisor. For all leaves of absence requiring prior approval, either the date of approval must be prior to the effective date for the leave or a notation must indicate the date actual verbal approval was given. Leave cannot be used after an employee has separated from the college. All terminal leave pay outs are addressed in BCC Policy 6Hx2-3.16, Terminal Pay.

## Family and Medical Leave Act of 1993 (FMLA)

An absence under the FMLA is defined as an approved absence available to eligible employees for up to twelve (12) weeks of leave per year (based on a rolling twelve (12) month period measured from the date an employee initially used any FMLA leave) for the following reasons:

- On the birth of an employee's child;
- On the placement of a child for adoption or foster care with an employee;
- When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- For the employee's own serious health condition.
- For the employee because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty or has been notified of an impending call to active duty.

<b>History:</b> Revised as Policy
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<b>Approved by the Board of Trustees</b>	<b>Date</b> 2/24/09	<b>President's Signature</b> 	<b>Date</b> 2/24/09
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All regular employees are eligible for FMLA if they have been employed by the college for at least twelve (12) months and if they have worked at least 1250 hours during the twelve (12) month period immediately preceding the requested leave. An employee who is eligible for FMLA will be required to submit certification from a licensed medical professional of his or her personal serious health condition or the need to care for a relative with a serious health condition. Upon return to work from FMLA leave due to the employee’s own serious health condition, the employee will need to provide a Fitness for Duty form from the treating licensed medical professional.

Upon return to work after the conclusion of approved FMLA leave for any reason, an employee will be returned to the same or equivalent position held prior to the commencement of the FMLA period, subject to the discretion and business interests of the College.

### **Military Family Caregiver Leave under Family and Medical Leave Act of 1993 (FMLA)**

Amendments to the FMLA made in 2008 provide for an additional leave benefit for an employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty or for any qualifying exigency. This leave provides for an entitlement of up to 26 weeks in a single 12-month period to care for the service member.

### **Domestic Violence Leave**

Employees who have been employed by the college for 3 or more months are entitled to 3 days leave in a 12-month period if the employee or a member of employee’s family or household is a victim of domestic violence. Domestic Violence Leave is charged to accrued sick or vacation leave. If the employee has no accrued leave, Domestic Violence Leave will be coded as leave without pay. The employee must provide the supervisor with advance notice of the leave, except in cases of imminent danger. Pursuant to Florida law, this documentation is confidential and exempt from Florida statute 119. The employee may be required by the college to provide documentation of the act of domestic violence for which the leave is needed.

### **Extended Leave for personal illness**

College personnel requiring extended leave beyond the twelve weeks of FMLA for a personal illness may qualify for Long Term Disability (LTD). Individuals who are continuously totally or partially disabled for 90 days may qualify.

### **Extended Leave for reasons other than personal illness**

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The President is authorized to approve in writing leaves up to 6 months with or without pay for all full-time employees for service deemed meritorious to the College, extraordinary hardship reasons or when such leave is deemed to be in the best interest of the College.

All leave extending beyond 6 months including cumulative or intermittent leave that exceeds six months based on a twelve (12)-month rolling period must be approved by the Board of Trustees. Renewal or extension of leave shall not be automatic; a new application for leave, however, may be filed prior to the expiration of the original leave. New leave that results in an employee being absent for more than six months may be granted only at the discretion of the Board of Trustees. All such leave is defined as Administrative Leave without pay except as authorized in *Florida Statutes* and *Florida State Board of Education Administrative Rules*.

**Notification of Intent to Return.** By April 1 of the academic year during which the leave is taken, a faculty member receiving any type of extended leave is responsible for notifying the College in writing of his/her intention to return to the College.

PTS and Administrative employees receiving any type of extended leave shall notify the College of their intention to return to duty, no less than 15 days prior to their intended return date. If the leave is due to an employee’s own health or illness, an essential job function (EJF) form must be completed by his/her attending licensed medical professional, indicating a full clearance to return to work.

If notification is received after the stated deadlines, and a full clearance has been obtained from the attending licensed medical professional, the College will make every effort to return the employee to the workforce. Consideration will be given based upon the current needs of the institution.

**IMPLEMENTATION and OVERSIGHT.**

The Vice President for Human Resources and Equity has responsibility for the implementation and oversight of this policy.

**VIOLATION OF POLICY.**

Policy violations and appeals shall be investigated by the Vice President for Human Resources and Equity and/or his/her designee. Leave abuse shall also subject the employee to appropriate disciplinary action up to and including termination.

- For non-represented employees, action will be taken pursuant to the terms and conditions of the relevant employment contract, if applicable.
- For full-time Faculty, refer to the Collective Bargaining Agreement between The Board of Trustees of Broward Community College and United Faculty of Florida, Broward

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Community College Chapter, Article 2.33.

- For represented professional technical staff, refer to the Collective Bargaining Agreement between the Board of Trustees of Broward Community College and Federation of Public Employees, Article 2.

## DEFINITIONS

Family & Medical Leave Act of 1993 (FMLA) - approved absence available to eligible employees for up to twelve (12) weeks of leave per year based on a rolling twelve (12) month period measured from the date an employee initially used any FMLA leave) for the following reasons:

- On the birth of an employee’s child;
- On the placement of a child for adoption or foster care with an employee;
- When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- For the employee’s own serious health condition;
- For an employee with a family member who is on active duty, or has been notified of an impending call to active duty.;
- Qualifying exigency includes the following:
  - (1) short-notice deployments (seven or fewer days notice);
  - (2) military events (e.g. ceremonies, briefings);
  - (3) childcare/school (e.g. time making arrangements on account of call to duty);
  - (4) financial/legal arrangements related to the call to duty;
  - (5) counseling related to the call to duty;
  - (6) Rest and recuperation leave (up to five days);
  - (7) post-deployment activities (e.g. arrival ceremonies, briefings);
  - (8) additional activities if permitted by the employer;
- Covered Service member – includes a member of the Armed Forces, the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability or retired list for a serious injury or illness.

Extended Leave – leave beyond the twelve weeks of FMLA which can be approved by the President up to 6 months and by the Board of Trustees for any leave exceeding 6 months.

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