

Policy Manual



Title: Family Medical Leave Act (FMLA)	Number: 6Hx2-3.57
Legal Authority: Fla. Statutes 1001.64 (4) (b); 1001.65 (3); 1012.865, 741.313, 119, Family and Medical Leave Act of 1993, as amended 2008	Page: 1 of 2

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 an FMLA leave of absence when it is necessary to be absent from duty. All FMLA 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 medical documentation from a licensed health care provider attesting to the illness, subject to the terms and conditions of the applicable bargaining agreement. Supervisors should notify full-time employees of their rights to FMLA whenever possible and notify the Talent & Culture's Benefits Office of the employee's extended absence. The employee's failure to provide the requested medical documentation will cause the employee to be considered Absent Without Approved Leave (AWAL). 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 using paid leave accruals. Request for FMLA must be submitted to the Benefits Office. Requests for leave under FMLA will be reviewed in accordance with the Family Medical Leave Act of 1993.

IMPLEMENTATION and OVERSIGHT

The Executive Director of Talent & Culture has responsibility for the implementation and oversight of this policy.

VIOLATION OF POLICY

Policy violations and appeals shall be investigated by the Executive Director of Talent & Culture and/or their designee. FMLA leave abuse shall be subject to the appropriate disciplinary action up to and including termination.

- For full-time 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 College and United Faculty of Florida, Broward College Chapter.
- For represented professional technical staff, refer to the Collective Bargaining Agreement between the Board of Trustees of Broward College and the Federation of Public Employees.

History: Adopted August 10, 2021			
Approved by the Board of Trustees	Date: 08/10/2021	President's Signature 	Date: 08/10/2021

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Family & Medical Leave Act of 1993 (FMLA) – approved absence available to eligible employees for up to 12 weeks of leave per year based on a rolling 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, or placement of a child from adoption or foster care with the employee. (leave must be taken within one year of the child’s birth);
- 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.

Employees who both work for the college are subject to additional terms of FMLA leave (see FMLA procedure A6Hx2-3.57).

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