

## Procedure Manual



<b>Title: Family Medical Leave (FMLA)</b>	<b>Number:</b> A6Hx2-3.57
<b>Policy Number:</b> 6Hx2-3.57	<b>Page:</b> 1 of 3

### Eligibility under Family and Medical Leave Act of 1993 (FMLA):

All full-time employees are eligible for FMLA if they have been employed by the College for at least 12 months and if they have worked at least 1,250 hours during the 12-month period immediately preceding the requested leave. Eligible employees may request 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 reasons defined under the FMLA Act of 1993 and in FMLA Policy 6Hx2-3.57. The supervisor and/or the employee should notify Talent & Culture's Benefits Office for any medical-related absences that exceed or will exceed three or more days. The Benefits Office will notify the employee if they are eligible for FMLA within five business days of the leave request. Spouses who are both employed at the College and both eligible for FMLA are limited to the amount of time off allowed under the FMLA for the care of a parent with a serious health condition, or birth/placement of a child. The aggregate number of workweeks of leave available to a husband and wife for the care of a newborn or a child placed with them for adoption or foster care is limited to a combined total of 12 workweeks during any 12-month period. Leave taken under this spousal rule, however, does not diminish the total entitlement of each spouse to his/her 12 weeks of leave that can be taken for the employee's own serious health condition, the care of the other spouse, or the care of a child.

### 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 servicemember 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 of unpaid leave in a single 12-month period to care for the service member.

### Requesting Leave:

Employees who will need to be absent for three or more days for conditions defined under the FMLA Act, may apply for federal job-protected leave under FMLA. When the necessity for FMLA leave is foreseeable, employees shall provide the College at least 30 days prior notice; if the leave must begin in less than 30 days, the employee shall provide such notice as is practical. To apply for Family and Medical Leave, the employee must notify his/her supervisor and request and submit a *Certification of Health Care Provider for Employee's Serious Health Condition (WH-380-E)* or a *Certification of Health Care Provider for Family Member's Serious Health*

*Condition (WH-380-F)* to the Benefits Office. Employees will have 15 calendar days to complete the WH-380 certification.

The employee and his/her supervisor are notified of the decision of the FMLA designation within five business days of receiving the required certification.

<b>Recommending Officer's Signature</b> 	<b>Date:</b> 07/20/2021	<b>President's Signature</b> 	<b>Date:</b> 07/20/2021
--	----------------------------	--	----------------------------

## Procedure Manual



<b>Title: Family Medical Leave (FMLA)</b>	<b>Number:</b> A6Hx2-3.57
<b>Policy Number:</b> 6Hx2-3.57	<b>Page:</b> 2 of 3

In any case in which the College has reason to doubt the validity or sufficiency of the certification, the College may require that the eligible employee obtain the opinion of a second health care provider designated or approved by the College.

### Consecutive Leave, Intermittent Leave or a Reduced Work Schedule

Employees can request leave in a block of time, use the time intermittently or under certain conditions, may request a reduced hour schedule. In all cases, the leave cannot exceed 12 workweeks (or 26 workweeks for Military Caregiver Leave) in a 12-month period.

For the birth, adoption or foster care of a child, the College 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.



Employees must make a reasonable effort to schedule planned medical treatments as to not disrupt the College's operations.

### While on Leave:

Employees who are eligible for FMLA must use all accrued sick then vacation leave for any part of this 12-week period prior to going into unpaid leave status. Members of the Sick Leave Pool can request additional paid benefits while on FMLA (see Sick Leave Pool Policy 6Hx2-3.08 for terms and conditions). While employees are utilizing paid leave accruals, deductions from the employee's pay for insurance premiums will continue; however, when employees are on leave without pay, they are required to continue paying their portion of health insurance premiums to the College to ensure continued health coverage for themselves and/or their dependents. The College shall maintain appropriate insurance coverage for eligible employees pursuant to this rule. The College may recover the premium that the College paid for maintaining coverage for the employee under the group health and dental plan during any period of unpaid family medical leave (1) if the employee fails to return from leave after the period of leave has expired and (2) if the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a

serious health condition that entitles the employee to family medical leave or other circumstances beyond the control of the employee. During unpaid family medical leave, employees are not eligible to draw unemployment compensation, nor will they accrue vacation and sick leave.

While on leave, the employee is not permitted to perform any work for the College. Employees on Worker's Compensation leave will be designated as FMLA leave and will run concurrently with FMLA. For continuous leaves of absence, the employee will be placed on leave in the College's time keeping system. The College may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

<b>Recommending Officer's Signature</b> 	<b>Date:</b> 07/20/2021	<b>President's Signature</b> 	<b>Date:</b> 07/20/2021
--	----------------------------	--	----------------------------

# Procedure Manual



<b>Title: Family Medical Leave (FMLA)</b>	<b>Number:</b> A6Hx2-3.57
<b>Policy Number:</b> 6Hx2-3.57	<b>Page:</b> 3 of 3

## Returning from Leave:

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 health care provider. An employee will be reinstated to the same or an equivalent position with the same pay, benefits, and terms and conditions of employment held prior to the commencement of the FMLA period, subject to the discretion and business interests of the College. The supervisor should return the employee from leave in the College's time keeping system once the employee has reported to work.

A claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition must be certified in the same manner as an initial request for family medical leave. If the employee has restrictions or is in need of a reasonable accommodation to perform the essential duties of their job, the employee should request and complete an accommodation request form and return it to Talent & Culture's Employee Relations Office for review. If the employee is unable to return to work after FMLA has exhausted, the employee can request additional time listed under Employee Time Off (see Policy Manual a6Hx2-3.11).

<b>Recommending Officer's Signature</b> 	<b>Date:</b> 07/20/2021	<b>President's Signature</b> 	<b>Date:</b> 07/20/2021
--	----------------------------	--	----------------------------