DIVISION II. College Personnel

REFERENCE NO. 2.26

CATEGORY 2.26 Family and Medical Leave

DATE

Adopted 11/93
Revised 6/01

2.26 FAMILY AND MEDICAL LEAVE

FAMILY AND MEDICAL LEAVE

The purpose of the Family and Medical Leave Act (FMLA), enacted on August 5, 1993, is to assist eligible employees of the College to balance the demands of work and family. It allows up to twelve (12) weeks of unpaid leave (also refer to section entitled “Use of Accrued Paid Time Off” to employees who qualify for FMLA leave and are unable to perform their job duties because of:

- The birth and care of a newborn child of the employee, within one (1) year of the birth
- The placement of a child with the employee for adoption or foster care
- The care for the employee’s spouse, parent or child with a serious health condition
- The employee’s own serious health condition that renders the employee unable to perform one or more of the essential functions of the job

Contractual agreements may designate only an unpaid leave of absence under FMLA. If no contractual agreement is binding regarding leave under FMLA, the College shall allow the employee to use accrued paid time off while on an FMLA leave.

Eligibility

The employee must:

1. Have worked at least twelve (12) months for the College.
2. Have worked at least 1250 hours for the College during the twelve (12) months before the leave would commence.

Length and Duration of Leave

If eligible for FMLA:

1. The employee may receive up to twelve (12) workweeks during a “rolling” twelve (12) month period, measured backward from the date an employee first starts FMLA leave. Holidays would be counted against the FMLA leave but would be paid if accrued paid time has not been exhausted.

2. When the leave involves the birth or placement of a child for adoption or foster care, the leave must be concluded within twelve (12) months of the birth or placement of the child.

3. Intermittent Leave:

   The leave may be taken in blocks of time or by a temporary reduction in the employee’s normal work schedule.

   Intermittent leave may be taken when it becomes medically necessary for the employee to care for a seriously ill immediate family member or because the employee is seriously ill and unable to work. It may also involve a temporary reassignment for better accommodations.

   Intermittent leave is not permitted for the birth of a child, to care for a newly born child or placement of a child for adoption or foster care.

Use of Accrued Paid Time Off

The employee may use accrued paid time off during the FMLA leave if it is available to the employee and if the employee is not bound by the terms of a contractual agreement. The sequence of paid time off usage would be sick leave days, personal leave days and lastly, vacation days.

Any paid time off will be deemed to run concurrently with the employee’s FMLA leave entitlement.
Health Benefits

During the twelve (12) weeks of FMLA, the College will maintain health and life insurance coverage as long as the College provided such coverage prior to the FMLA leave. The employee will be responsible for any premium payments normally paid by the employee if in a working status, such as optional life insurance, short-term disability insurance, etc.

Return to Work

When an employee returns from an FMLA leave, the employee is normally entitled to return to his/her original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment.

Notice and Medical Certification

Employees requesting FMLA leave are required to provide a 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practical.

The College may also require employees to provide:

- Medical certification
- Second medical opinion
- Periodic reports during FMLA leave regarding employee’s status and intent to return to work.

When intermittent leave is needed to care for an immediate family member or the employee’s own illness and is planned for medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the College’s operation.