



DIVISION	ADOPTION DATE
II College Employees	11/1993
POLICY NAME	REVISIONS
02.04.05 Family and Medical Leave	Revised: 06/2001, 02/2020, 01/2022

02.04.05 FAMILY AND MEDICAL LEAVE

This College policy adopts the provisions of the Family Medical Leave (FMLA) that in summary allows eligible employees up to twelve (12) weeks of unpaid job protected leave. This policy covers illnesses of a serious and/or long-term nature, resulting in recurring or lengthy absences. A serious health condition is defined as an illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or, continuing treatment by a health care provider including any one or more of the following:

- A period of incapacity of more than 3 consecutive, full calendar days and subsequent treatment by a health care provider in-person two or more times within 30 days of the first day of incapacity
- Treatment by a health care provider in-person on at least one occasion which results in a regimen of continuing treatment;
- Pregnancy and prenatal care;
- Chronic condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity;
- A permanent or long-term condition; or
- Conditions requiring multiple treatments by a healthcare provider, including recovery time.

Eligibility

To qualify for family and medical leave under this policy, the employee must meet all of the following conditions:

- Have been employed for at least twelve (12) months with the College prior to the start of the leave; and
- Have worked at least 1,000 hours during the twelve (12) months period preceding the start of the leave.

- The 12 months (52 weeks) need not have been consecutive. Separate periods of employment will be counted, provided the break in service does not exceed seven (7) years.
- Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the College's intention to rehire the employee after a break in service.
- For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.

Types of Leave Covered

An employee who meets the applicable eligibility requirements may be granted a total of twelve (12) weeks of FMLA leave for the following reasons:

- 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;
 - A child under 18 years of age is covered under the FMLA without regard to whether or not the child has a disability. An eligible employee requesting FMLA leave to care for a son or daughter under 18 years of age must only show a need to care for the child due to a serious health condition. However, in order to meet the FMLA's definition of a "child", an adult child (i.e. one who is 18 years of age or older) must have a mental or physical disability and be incapable of self-care because of that disability.
 - This includes attendance at an Individualized Education Plan (IEP) Meeting at a covered child's school.
- The employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of the job;
- Eligible employees may be granted a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for the care of a covered service member injured in the line of active military service ("Military Caregiver Leave");
- For a "qualifying exigency" that results from the active military duty or call to active military duty of an employee's spouse, son, daughter, or parent.

Length and Duration of Leave

If eligible for FMLA:

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

- 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.
- 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 accommodation to an alternate position than the employee's regular position.

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.

If two spouses both work for the College and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the College and each wish to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

Use of Accrued Paid Time Off

The College requires that the employee use their 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 beginning with the start date of any approved FMLA period.

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

An employee must notify Human Resources before they can return to active employment status. If an employee wishes to return to work prior to the expiration of an FMLA leave of absence, notification must be given to their immediate supervisor and the Human Resources Office at least two (2) working days prior to the employee's planned return. A Return to Work note is required from the treating physician to release an employee back to work.

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

Notice and Medical Certification

An employee requesting FMLA leave is 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.

On a basis that does not discriminate against employees on FMLA leave, 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.