



ADMINISTRATIVE POLICY

Policy Type:	Family Medical Leave
Date Adopted:	January 7, 2004
Date Last Reviewed:	April 13, 2009
Office Responsible:	Human Resources

Policy Summary: The purpose of a policy is to state the commitment of the college to comply with the Family and Medical Leave Act of 1993 (FMLA). To the extent that any provision is in violation of the Act, the language of the Act will prevail.

An employee is eligible for a FMLA leave if he/she has been employed by the College for at least twelve (12) months and worked at least 1,250 hours during the twelve (12) month period immediately preceding the employee's request for leave or the date on which the leave commences, whichever comes first.

Policy Statement: An eligible employee, upon request, will be granted up to twelve (12) Work weeks of unpaid FMLA leave during a twelve month period for one or more of the following events:

- A. For the birth of a son or daughter of the employee and to care for such child;
- B. For the placement of a child with the employee for adoption or foster care;
- C. To care for a spouse, child, or parent who has a serious health condition;
- D. For the serious health condition of the employee which renders him/her unable to perform the functions of the employee's position.
- E. Qualifying exigency leave. An employee may take FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation
- F. Military Injury Care-Giving Leave: A "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness

The 12 month period will begin on the first day of the Family Medical Leave. FMLA grants of leave do not accumulate from year-to-year.

An employee requesting leave under FMLA must submit certification issued by the health care provider of the eligible employee, son, daughter, spouse, or parent of the employee, as appropriate. The certification form is available in the Human Resources office and must be returned within 15 days of the start of the leave. In any case in which the College has reason to doubt the validity of the health care provider's statement or certification for leaves taken, the College may, at its expense, require a second opinion.

Employees are required to utilize available sick leave, but may choose to maintain a sick leave balance of up to 64 hours while taking family medical leave. Employees are required to utilize all compensatory time during family medical leave. Employees may elect to utilize available vacation and/or personal leave during family medical leave to maintain full pay. Sick, vacation, personal and/or compensatory time will be counted toward the twelve week maximum.

An employee who foresees the need for a leave of absence due to planned medical treatment for his/her spouse, child, or parent should notify, in writing, the College, as soon as possible, so that the absence can be scheduled at a time least disruptive to the college's operations. Such a member must also give at least thirty (30) calendar days written notice, unless impracticable, in which case the employee must provide as much written notice as circumstances permit.

When necessary, FMLA leave may be taken on an intermittent basis or by arranging a reduced work schedule. Any employee taking intermittent leave must attempt to schedule the leave so as not to disrupt the College's operations. All time taken will count toward the employee's 12 weeks 480 hours annual entitlement for family and medical leave. The College may require eligible employees to periodically report their status and intentions during the leave periods.

Eligible employees who take leaves for purposes described in the Act are entitled to be reinstated to equivalent positions upon their return from leave, restored employees are not entitled to rights, benefits or positions other than those to which they would have been entitled had they not taken leave. Employees on FMLA leave are entitled to health benefits during the leave under the same terms and conditions as active employees. An employee on an approved FMLA leave should keep the College informed regarding his/her intent to return to work upon conclusion of the leave.