



## **FAMILY AND MEDICAL LEAVE POLICY**

In compliance with the Family and Medical Leave Act (FMLA) of 1993, the College will provide eligible employees an entitlement of 12 weeks of paid and/or unpaid leave, during any 12-month period for the birth and care of a newborn child, the placement of a child with the employee by adoption or foster care arrangement, the care of a family member with a serious health condition, or for the employee's own serious health condition. The 12-month period is measured forward from the first day of FMLA leave.

Eligible employees are those who have been employed by the College for at least 12 months, and who have provided at least 1,250 hours of service during the 12 months before the leave is requested. Employees may use accrued vacation or personal time as a part of the 12-week period of leave.

When FMLA leave is taken for the birth and care of a newborn child or placement of a child by adoption, the leave must be taken during the first 12 months after childbirth or placement and must be taken all at one time. Employees must also provide thirty days advance notice before the date on which the leave is scheduled to begin or "such notice as is practicable."

FMLA leave may be taken for the care of a family member who has a serious health condition. The term "family member" includes a spouse, child (under age 18 or an adult child who cannot care for him/herself), or parent (the person who acted as the employee's parent when the employee was a child and does not include parents-in-law). The College will consider requests for leave to care for other family members or individuals on a case-by-case basis. FMLA leave to care for family members may be taken intermittently or on a reduced schedule basis when medically necessary. If taken, intermittent leave will be limited to increments of one hour.

The term "serious health condition" means an illness, injury, impairment, or a physical or mental condition as defined in Sec. 825.114 of the Family and Medical Leave Act - described by the Department of Labor - revised effective February 6, 1995.

Requests for FMLA leave should be submitted in writing to the Director of Human Resources at least thirty days before the leave of absence is to begin. If thirty days notice is not practicable because the reason for the leave was unforeseeable, the employee must notify his/her supervisor or the Director of Human Resources by any means at the employee's disposal as soon as possible, usually within two business days from the date leave began. The leave request must include the following information: the reason(s) for the FMLA leave request, the anticipated length of the leave period (if possible), the starting date of the leave,

and the return to work date (if possible). In addition, the appropriate certification from a doctor or child placement agency should accompany the FMLA request. If the FMLA leave is requested because of a serious health condition, a "certification of physician or practitioner" form must be completed no later than 20 days after the leave is requested. (This form is available from the Director of Human Resources.) If the leave is unforeseeable, this form should be provided to the Director of Human Resources as soon as is practicable. The College may also request certification of the serious health condition every thirty days in order to ascertain the status and intention of the employee to return to work after the leave period has begun.

Once the employee has notified his supervisor and/or the Director of Human Resources of his/her need to take FMLA leave, it is the responsibility of Human Resources to designate leave in writing as FMLA leave and to notify the employee of this. If the employee notifies only his/her supervisor of the need for FMLA leave, it is the supervisor's responsibility to notify Human Resources.

During the FMLA leave period, employees will continue to receive the same group health care coverage as received while actively employed. To ensure uninterrupted coverage, employees must pay their portion of the health care premium at the same time as it would be paid if by payroll deduction. Employees are responsible for making appropriate payment arrangements with the Payroll Supervisor in the Business Office as soon as possible. If an employee's premium payment is more than thirty days late, the College may discontinue health care coverage and recover any employee premiums paid by the College to maintain coverage during the FMLA leave period. If an employee fails to return to work following the FMLA leave period for reasons other than the continuation, recurrence, or onset of a serious health condition, the College may recover the premiums which were paid to maintain the employee's health care coverage during the leave period.

If an employee voluntarily accepts a light duty assignment in lieu of continuing on FMLA leave, the employee's right to restoration to the original or an equivalent job continues until 12 weeks has passed (including FMLA leave and the period in the light duty job).

Following the FMLA leave period, employees are entitled to return to their former position or an "equivalent" position which has the same benefits, pay, and other terms and conditions of employment.

Employees taking leave for a personal medical condition may be required to provide certification of fitness to return to work. Vacation and seniority benefits do not accrue while on unpaid FMLA leave. It is the responsibility of the employee and his/her supervisor to work together to coordinate leaves of absence and to maintain accurate and up-to-date records of leave time. In

addition, when FMLA leave is requested, the employee requesting such leave must schedule a meeting with the Director of Human Resources to clarify the details of the leave as well as to determine if the employee is eligible for coverage under the College's short term disability plan if the leave is for a personal medical condition. For issues not specifically addressed by this statement, the College will follow the federal regulations and guidelines issued by the Department of Labor.