

# Family and Medical Leave Act (FMLA)

## EMPLOYEE RIGHTS & RESPONSIBILITIES



Family or medical leave (FML) is defined as an approved absence available to eligible employees for up to 12 weeks of unpaid leave per year under particular circumstances that are critical to the life of a family.

### LEAVE ENTITLEMENT

Family or medical leave is provided to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform their job.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in a support of contingency operations may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FML also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### BENEFITS AND PROTECTIONS

During FML, the College will maintain the employee's health coverage on the same terms as if the employee had continued to work. Upon return from FML, the employee will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. The use of FML will not result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

NOTE: If an employee chooses not to return to work (for at least 30 calendar days) after an approved FML absence, the College may recover from the employee the cost of any payments made to maintain the employee's health insurance unless the failure to return to work is because of the continuation of the qualifying serious medical condition or reasons beyond the employee's control. Benefit entitlements based on length of service will be calculated as of the last paid day of work performed prior to the start of the family or medical leave.

### ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked at least 1,250 hours over the previous 12 months and have been employed at the College for at least 1 year.

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## **EMPLOYEE RIGHTS & RESPONSIBILITIES (*continued*)**

### DEFINITIONS OF A SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to a pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### USE OF LEAVE

Employees do not need to use their leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable effort to schedule leave for a planned medical treatments so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. In order to use paid leave for FML, employees must comply with the College's paid leave policies. Additionally, spouses who are both employed at the College are entitled to a total of 12 weeks leave (rather than 12 weeks each) for a qualifying serious health condition.

### PROCEDURES

To request FML, employees should complete the Family or Medical Leave and Medical Certification forms and submit to Human Resources for review and processing. Employees must provide sufficient information for the College to determine if the leave may qualify for FML protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

Employees must provide at least 30 days advance notice of the need to take FML when the need is foreseeable. When the 30 days notice is not possible, employees must provide notice as soon as practicable and generally must comply with College's normal call-in procedures.

### EFFECTS OF COLLECTIVE BARGAINING AGREEMENTS

All family or medical leave will be governed by the provisions of this document unless modified by an applicable collective bargaining agreement.