

## **FAMILY AND MEDICAL LEAVE**

### **PURPOSE**

The purpose of this policy is to ensure compliance with the Family and Medical Leave Act of 1993 (FMLA).

### **POLICY STATEMENT**

It is the policy of Edison State Community College to support a work environment that offers solutions for the complex issues employees face in balancing work and family commitments. In accordance with the Family Medical Leave Act of 1993 (FMLA), College eligible employees may take up to twelve (12) workweeks of Family Medical Leave (FML) or twenty-six (26) workweeks of military-caregiver leave, which may include intermittent leave, for specified family and medical reasons, with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Employees will be paid through utilization of the employee's accrued leave account. If accrued leave is exhausted, the remaining leave period will be unpaid.

### **Eligibility requirements**

An employee is eligible for FMLA if the employee meets all of the following:

- Employed by the College for at least twelve months. If the employee has had a break in employment of seven years or less from the College, that previous time of employment will be counted towards the 12-month eligibility requirement. Employees who had a break in employment of seven years or more due to fulfillment of National Guard or Reserve military service obligations will have this time counted toward the 12-month eligibility requirement.
- Worked at least 1,250 hours during the twelve months immediately preceding the start of FML (60.1% FTE or greater).
- Incur a qualifying FML event.

### **Qualifying FML events**

An FML eligible employee may take up to twelve workweeks of job protected leave for a qualifying event that is recognized under the FMLA, which includes:

- Birth of a child and/or care for the newborn child within first year of birth.
- Placement with the employee of a child for adoption or foster care and/or care for the child within one year of placement.
- Care for the employee's immediate family member who has a serious health condition.
- A serious health condition of the employee that prevents the employee from performing the essential functions of his or her job as certified by a health care provider.
- A qualifying exigency, as defined in 29CFR 825.126, arising out of the fact that the employee's immediate family member is a covered military member on "covered active duty."

Eligible employees may also take up to twenty-six (26) workweeks of job protected military-caregiver leave during a single 12-month period to care for an immediate family member who is a covered service member and meets the qualifying events described in the FMLA.

### Application and Use of FMLA

- Time taken for an FMLA qualifying event will be counted as FMLA. FMLA balances are determined on a rolling twelve (12)-month period.
- The employee's accrued compensatory hours, sick leave and then vacation leave balances must be used in this order and exhausted prior to the use of unpaid FMLA.
- All accrued leave that is taken will be counted concurrently with FMLA.

### Notification and documentation

- When an employee who is absent for more than three (3) consecutive days due to an FML qualifying event, it will be considered as FMLA. The employee must report his/her absence to the supervisor immediately and to Human Resources on the fourth day of the absence.
- When a qualifying event is reasonably anticipated, the employee should notify his/her supervisor and Human Resources as far in advance as possible. If the foreseeable leave is based on an expected birth or placement, written notice is expected to be provided at least thirty (30) days before the first day of leave.
- An employee using intermittent leave due to medical necessity must notify his/her supervisor and Human Resources as soon as the employee knows or anticipates that he/she will be unable to work. An employee must notify his/her supervisor on each day of absence unless other pre-approved arrangements have been made. In some cases, a reduced leave schedule may be arranged.
- An employee with a serious extended or intermittent injury or illness must provide Human Resources a medical certification from the employee's medical provider within fifteen (15) calendar days after receiving an FMLA notice from Human Resources. The College reserves the right to require a second certification from a health care provider at the College's expense. Human Resources may require re-certification every thirty (30) or more days as determined by Human Resources.

### Return to Work

Prior to return to work, the employee must submit to Human Resources a written release completed by the employee's health care provider. This release must clearly state when the employee is able to return to work and whether the employee has any restrictions in performing his/her regular job duties. The release should be submitted in advance of the employee's return to work if possible, but no later than the employee's first day back to work.

### **PERSONS AFFECTED**

All benefits eligible employees of Edison State Community College who meet the eligibility requirements under this policy. A part-time employee is eligible for FMLA on a prorated basis.

### **DEFINITIONS**

#### **IMMEDIATE FAMILY MEMBER**

Means spouse, parent, step-parent, child, step-child, siblings, step-siblings grandparent, grandchild, brother-in-law, sister-in law, daughter-in-law, son-in-law, father-in-law, mother-in-law and other legal dependent, such as a foster child or legal ward or legal guardian or nearest blood relative.

#### **COVERED ACTIVE DUTY**

Means, in the case of a member of a regular component (not National Guard or Reserves) of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (not a state call) under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code. This is only applicable in cases of exigency.

**COVERED SERVICE MEMBER**

Means 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; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.