

## Family and Medical Leave

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College employees shall be provided family and medical leave as required by current federal law and regulation. A copy of this plan for providing leave under this policy shall be kept at each campus and will be made available to all employees at the beginning of each school year.

Family and medical leave as required by federal law shall be granted for a period of not more than twelve (12 weeks) during a twelve (12) month period. For purposes of this policy, a 12) month period is measured forward from the date the employee's first FMLA leave begins.

Leave for the birth of a child of an employee and to care for said child, or the placement of a child with the employee for adoption or foster care must be taken within twelve (12) months of birth or placement.

Spouses who are both employed by the college may only take an aggregate of twelve (12) weeks of leave for the birth or adoption of a child or to care for an employee's immediate family (defined as spouse, children, parents, or family member residing with the employee) because of a serious health condition.

### a. Paid Leave/Unpaid Leave

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available or accrued, the paid leave shall be used first and counted toward the annual family and medical leave unless the employee elects to take a salary reduction for part or all of the above. The President will notify the employee prior to or during the leave period whether or not the leave has been designated as paid family and medical leave.

### b. Eligibility

The employee is eligible for family and medical leave upon completion of 12 months of service in the college when employed at least 1,250 hours during the preceding year.

### c. Group Health Benefits

During the period of any unpaid family and medical leave the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to leave. Any employee portion of the cost shall be paid by the employee to the clerk of the board on the payroll date or other time as the employee and President may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

### d. Notice

When leave is foreseeable, the employee shall give written notice thirty (30) days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

- (1) The reasons that leave will count as family and medical leave,
- (2) Any requirements for medical certification,
- (3) Employer requirement of substituting paid leave, and employees option to take a salary reduction,
- (4) Requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- (5) Right to be restored to same or equivalent job,
- (6) Any employer required fitness-for-duty certifications.

The college may require, at its expense, the opinion of a second health care provider designated and approved by the college. If first and second opinions conflict, the college may obtain a third opinion from a provider jointly approved and paid by the college and the employee. A third opinion is final and binding.

e. Intermittent Use

Family leave may not be used intermittently or on a part-time basis without the prior approval of the President. Serious health condition leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the college may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule provided that the position is equivalent pay and benefits.

f. End of Semester

The President may require the employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the President may require the employee to continue leave until the end of a semester, if:

- (1) The leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
- (2) The leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

g. Keep College Updated

During the period of any family and medical leave, the employee must provide the Director of Human Resources with periodic reports, at least every 30 days, regarding the employee's status and the employee's intent to return to work. In addition, the Director of Human Resources may request

that the employee provide recertification of a serious health condition at intervals according to FMLA rules.

(Family and medical leave for professional employees is subject to the provisions of the negotiated agreement between the college and the Professional Educators' Association.)

*Revised: 6/9/16, 3/14/17*