

## **FAMILY AND MEDICAL LEAVE**

### **A. General**

In compliance with the Family and Medical Leave Act (FMLA), effective August 5, 1993, as amended January 28, 2008, Vernon College will provide up to twelve (12) weeks of unpaid leave during a 12- month period to eligible employees for:

1. Childbirth
2. Adoption or foster care placement
3. Recovery from a serious illness or injury
4. Care of a seriously ill spouse, son, daughter, or parent. (Children must be less than nineteen (19) years of age or, if over eighteen (18) years of age, they must be mentally or physically disabled.)
5. A qualifying exigency which is the result of the spouse, child, or parent of the employee being on active duty or notified of an impending call to active duty in support of a contingency operation of the Armed Forces.

### **C. Service Member Family Leave**

An eligible employee who is the spouse, child, parent, or nearest blood relative of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member. During this single 12-month period, an eligible employee shall be entitled to leave for a total of 26 workweeks in combination with other types of leaves under paragraph A, 1-5.

### **D. Covered Service Member**

A "covered service member" is 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 on the military's temporary disability retired list, for a serious injury or illness.

### **E. Eligibility**

To be eligible for FMLA leave an employee must have worked for the college for at least twelve (12) months and for at least 1,250 hours during the 12 months preceding the start of the FMLA leave.

### **E. Reinstatement**

Upon expiration of the approved leave, Vernon College will reinstate the employee to the same or equivalent position held before taking the leave. An employee who has been on FMLA leave due to his or her own serious health condition is required to provide medical certification of fitness for duty.

### **F. Continuation of Benefits**

State-paid employee health benefits will be maintained during the approved leave. Employees must pay their portion of optional dependent and other insurance to maintain optional coverage in force. Longevity, sick leave, and vacation leave accruals will not be authorized during unpaid FMLA leave. If the employee does not return to work after the

leave period, for any reason other than a serious health condition or circumstances beyond the employee's control, the employee will be responsible for reimbursement to the college for the health insurance premiums paid during the leave.

**G. Serious Health Conditions**

A serious health condition is any illness, injury, impairment, physical, or mental condition which involves inpatient care in a hospital, hospice, or medical care facility or continuing treatment by a health care provider for a chronic or long-term health condition. As applicable to a covered service member, a serious injury or illness is one incurred by the member in the line of duty while on active duty in the Armed Forces that renders the member medically unfit to perform assigned duties.

**H. Notification**

Employees are expected to give as much advance notice as possible when requesting FMLA leave and to make all reasonable efforts to minimize the disruption caused by their absence; i.e., rescheduling of medical treatments whenever possible, etc. In the event the employee does not request FMLA leave, supervisors should promptly notify the Human Resources Department if they suspect that an employee is absent due to an FMLA event. Questions may be asked of the employee to confirm whether the leave needed or being taken qualifies for FMLA purposes. Employees shall be notified in writing that an absence is being designated by the college as FMLA leave. If the college was not aware of the reason for the leave, leave may be designated as FMLA retroactively while the leave is in progress or within two business days of the employee's return to work.

**I. Intermittent Leave**

Employees may request that the FMLA leave be taken on an intermittent basis when the condition is medically necessary. Intermittent leave for the birth of a child or placement of an adopted or foster child may only be taken upon approval of the college. Subject to advance notification, a reduced leave schedule or intermittent use of leave may be granted to an employee for a qualifying exigency due to the active duty of a spouse, child, or parent in support of a contingency operation of the Armed Forces. During a prolonged period of intermittent leave, the college may require the employee to transfer to another position which offers equivalent pay and benefits.

**J. Spouses Employed by the Same Employer**

If a husband and wife both are employed by the college, in some instances, the total FMLA leave entitlement of both employees must be aggregated.

1. Combined leave taken for the birth of a child or placement of an adopted or foster child is limited to 12 workweeks in a 12-month period.
2. Combined leave taken to care for a sick child or parent is limited to 12 workweeks in a 12-month period.

3. Combined leave taken for a qualifying exigency as the result of a contingency operation of the Armed Forces is limited to 12 workweeks in a 12-month period.
4. Combined leave taken to care for a covered service member is limited to 26 workweeks during a single 12-month period.

**K. Application Procedures**

Vernon College employees requesting FMLA leave shall follow these procedures:

1. Prepare a written leave request indicating the nature of the FMLA leave and, if a medical condition, the relationship of the patient, the duration of the condition, and the medical facts regarding the condition. Certification from the health care provider should be attached verifying the above conditions. This information is required if the medical condition applies to the employee or if the condition involves a member of the immediate family (spouse, child, or parent). **Request for Leave and Certification forms can be acquired in the Human Resources Office.** The employee may be required to furnish additional certifications to substantiate the need for continuing leave. A request for leave related to active duty or a call to active duty in support of a contingency operation must be supported by a certification.
2. The written request for FMLA leave will be provided to the employee's immediate supervisor, who shall forward the request to the Director of Human Resources who will review the request and verify that the leave satisfies the requirements set forth in this policy.
3. The employee is required to substitute any available accrued paid leave for any part of the applicable 12 or 26 weeks of leave provided under the Family Medical Leave Act. Requests for unpaid FMLA will only be approved after the employee has exhausted all available accrued leave, if applicable.
4. All employees will record all FMLA leave time taken on Leave Request forms.

**L. Employee Rights**

Employees who exercise their rights under the Family and Medical Leave Act are guaranteed protection from discrimination and retaliation by the college.

4/16/10