

3.24	Family and Medical Leave	1 of 7
NUMBER	TITLE	PAGE

(1) The Family and Medical Leave Act of 1992 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

(2) For the purpose of this policy, the following terms are defined:

(2.1) Parent--a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position of place of a parent) to an employee when the employee was a child

(2.2) Child--is a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability who is:

- a biological child
- an adopted child
- a foster child--a child for whom the employee performs the duties of a parent as if it were the employee's child
- a step-child--a child of the employee's spouse from a former marriage
- a legal ward--a minor child placed by the court under the care of a guardian
- a child of an employee standing in loco parentis

(2.3) Spouse--a husband or wife

(2.4) Serious Health Condition--an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or involves continuing treatment by a health care provider.

3.24	Family and Medical Leave	2 of 7
NUMBER	TITLE	PAGE

- (3) Eligible Employees
  - (3.1) An employee who has been employed with the College for at least 12 months and who has worked at least 1040 hours during the previous 12-month period is entitled to a total of 12 workweeks, paid or unpaid, leave during any 12-month period for one or more of the reasons listed below. A workweek is defined as the number of hours an employee is regularly scheduled to work each week.
  - (3.2) For the birth of a child and to care for the child after birth, provided the leave is taken within a 12-month period following birth.
    - For the employee to care for a child placed with the employee for adoption, provided the leave is taken within a 12-month period following adoption.
    - For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition.
    - Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position.
  - (4) Leave without pay beyond the 12-week period or for employees not covered under the Family and Medical Leave Policy will be administered under the Leave Without Pay Policy (3.23). Under these provisions, employees must pay for health benefits coverage.
  - (5) Leave Charges
    - (5.1) Birth--For the birth of a child, the employee may choose to exhaust available vacation and/or sick leave, or any portion, or go on leave without pay; except that sick leave may be used only during the period of disability. This applies to both parents.
    - (5.2) Adoption--For the adoption of a child, the employee may choose to exhaust available vacation leave, or any portion, or go on leave without pay.

POLICIES OF THE  
BOARD OF TRUSTEES

3.24	Family and Medical Leave	3 of 7
NUMBER	TITLE	PAGE

- (5.3) Illness of Child, Spouse, Parent--For the illness of an employee’s child, spouse, or parent, the employee may choose to exhaust available sick and/or vacation leave, or any portion, or go on leave without pay.
- (5.4) Employee's Illness--For the employee's illness, the employee shall exhaust available sick leave and may choose to exhaust available vacation leave, or any portion, before going on leave without pay. If the illness extends beyond the 60-day waiting period required for short-term disability, the employee may choose to exhaust the balance of available leave or begin drawing short-term disability benefits.
- (5.5) Periods of paid leave and periods of leave without pay (including leave without pay while drawing short-term disability benefits) count towards the 12 workweeks to which the employee is entitled. This includes leave taken under the Voluntary Shared Leave Program.
- (6) Intermittent Leave or Reduced Work Schedule--Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for child birth and birth-related child care or for adoption unless the employee and the College President agree otherwise. When medically necessary, the employee may take leave intermittently or on a reduced schedule to care for the employee’s child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition.
  - (6.1) In cases where such leave is foreseeable, based on planned medical treatment, the agency may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.
  - (6.2) When an employee is on a reduced work schedule, the time not worked is counted against the total 12 workweeks.

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POLICIES OF THE  
BOARD OF TRUSTEES

3.24	Family and Medical Leave	4 of 7
NUMBER	TITLE	PAGE

- (7) Employee Responsibility
  - (7.1) The employee shall apply in writing to the immediate supervisor for leave requested under the policy. The immediate supervisor will forward the request to the appropriate Senior-level Administrator. The President will review the request and the recommendations of the Senior-level Administrator. The President has the final authority to approve or deny the request and will notify the employee in writing of the approval or denial.
  - (7.2) Birth or Adoption--The employee shall give the agency no less than 30 days notice, in writing, of the intention to take leave subject to the actual date of birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
  - (7.3) Planned Medical Treatment--When the necessity for leave to care for the employee's child, spouse, or parent or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not unduly to disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse, or parent. The employee must also give 30 days notice if practicable of the intention to take leave, subject to the acts; date of treatment.
  - (7.4) The employee shall be deemed to have applied for leave under this policy when: (a) the employee is on approved leave but has not given written notice of the intent to take family or medical leave to the supervisor, (b) the employee utilizes leave for any purpose whether with or without pay for a period in excess of 30 days, and (c) the basis for the leave falls within the scope of this policy. In these cases, the College shall notify the

3.24	Family and Medical Leave	5 of 7
NUMBER	TITLE	PAGE

employee that time spent on paid leave or leave without pay during the 30-day period is part of the 12 workweeks of leave.

- (8) If the employee will not return to work after the period of leave, the College shall be notified in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation
- (9) Certification
  - (9.1) For leave pursuant to this policy, the College may require that a claim for leave because of adoption be supported by reasonable proof of adoption.
  - (9.2) The College may require that a claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent be supported by a doctor's certification which includes the following:
    - date on which the serious health condition began
    - the probable duration of the condition
    - the appropriate medical facts regarding the condition
    - a statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed; or that the employee is unable to perform the functions of the position, whichever applies
    - where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
  - (9.3) The President may require the employee to get the opinion of a second doctor designated or approved by the College. Where the second opinion differs from the opinion in the original certification provided, the College may require the employee to get the opinion of a third doctor designated or approved jointly by the College and the employee. The

3.24	Family and Medical Leave	6 of 7
NUMBER	TITLE	PAGE

College may require that the employee get subsequent recertification on a reasonable basis. This recertification must be at the College's expense.

- (10) Employment and Benefits Protection
  - (10.1) Reinstatement--The employee shall be reinstated to the same position held when leave began or one of like classification, pay, benefits, and other conditions of employment. The College may require the employee to report at reasonable intervals to the employer on the employee's status and intention to return to work. The College also may require that the employee receive certification that the employee is able to return to work.
  - (10.2) Benefits--The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.
  - (10.3) Health Benefits--The College shall maintain coverage for the employee under the state's group health plan for the duration of leave at the level and under the condition coverage would have been provided if the employee had continued employment.
  - (10.4) The College may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.
- (11) Interference with Rights
  - (11.1) Actions Prohibited--It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.
  - (11.2) Protected Activity--It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:

POLICIES OF THE  
BOARD OF TRUSTEES

3.24	Family and Medical Leave	7 of 7
NUMBER	TITLE	PAGE

- Files a civil action or institutes, or causes to be instituted, any civil proceeding under or related to this policy.
- Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.
- Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.