

Polk State College Procedure

Subject	Reference	Date	Number
Family and Medical Leave (FMLA)	DBOT Rule 3.09 Family and Medical Leave Act of 1993	8/12/10	6067

I. Statement of Purpose

The Family and Medical Leave Act (FMLA) was passed into law by Congress on February 4, 1993, and signed by President Clinton on February 5, 1993. The Act's effective date is August 5, 1993. This outlines Polk State College's procedure regarding FMLA.

II. Basic Leave Entitlement

An eligible employee will be granted a total of sixteen (16) work weeks of unpaid leave, with job protection and no loss of accumulated service, during the 12-month calendar year period for any of the following reasons:

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

III. Military Family Leave Entitlements

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 support of a contingency operation may use their FMLA leave entitlement to address certain qualifying exigencies. Qualifying exigencies (needs) may include attending certain military events, arranging for alternative childcare, addressing certain financial or legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 work weeks of leave to care for a covered servicemember during a single 12-month period.

IV. Eligibility

To be eligible for FMLA leave, an employee must have been employed at Polk State College for a total of twelve (12) months and worked at least 1,250 hours in the previous 12 months preceding the leave.

V. Substitution of Paid Leave

Polk State College will first require the employee to use all earned paid vacation and accrued sick leave for any qualifying family and medical leave circumstance. After paid leave has been exhausted, the College is required to provide enough unpaid leave to total sixteen (16) weeks.

VI. Spouse's Joint Leave

Where husbands and wives employed by Polk State College, both are jointly entitled to a combined total of sixteen (16) weeks of family leave for the birth or placement of a child for adoption or foster care or to care for a child who has a serious health condition.

VII. Advance Notice and Medical Certification

The employee is required to provide advance leave notice and medical certification for any FMLA leave. The employee must provide 30 days advance notice when the FMLA leave is "foreseeable." If this is not possible, the employee must give as much notice as is practicable, ordinarily one to two business days from the date the employee learns of the need for the leave. A request for Family and Medical Leave of Absence Form must be signed by the employee, supervisor, department head, appropriate President's Staff member, and forwarded to the Human Resources Department. Employees must keep their supervisor informed of their leave status and expected date of return to work. In the case of the employee's serious health condition, a certification from the health care provider must be presented before the employee can return. Periodic recertification may also be required to support the need for the leave.

VIII. Use of Leave

An employee does not need to use FMLA leave in one block of time. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

IX. Serious Health Condition

A serious health condition is defined as an illness, injury, physical or mental condition that involves either:

- inpatient care in hospital or medical care facility *OR*
- continuing treatment by a health care provider, *OR*
- any period of incapacity related to pregnancy or for prenatal care. (A visit to the health care provider is not necessary for each absence), *OR*
- any period of incapacity or treatment for a chronic serious health condition over an extended period of time, *OR*
- a period of incapacity that is permanent or long-term due to a condition for which treatment may be effective, *OR*
- any absence to receive multiple treatments of restorative surgery or for a condition that would likely result in a period of more than three days if not treated.

X. Job Benefits and Protection

For the duration of authorized FMLA leave, the health coverage under any group health plan will be maintained, but the employee will be required to make any ordinarily required co-payments. An employee who takes a leave must be able to return to the same job or a job with equivalent status, pay, and benefits. The use of FMLA leave will not result in the loss of any benefits accrued prior to the start of the FMLA leave.

XI. Applications for Family and Medical Leave Act

Applications for Family and Medical Leave must be obtained from, and returned to, the Human Resources Office. Polk State College will inform employees requesting leave whether they are eligible under FMLA. If any employee is not eligible, PSC will provide a reason for the ineligibility. Employees will be informed of what leave will be designated as FMLA protected and the amount of leave counted against the employee's leave entitlement. If PSC determines that the leave is not FMLA-protected leave, the employee will be notified.

Attachments:



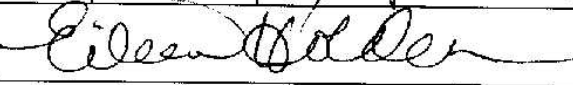
- Family and Medical Leave Act Certification of Physician or Practitioner
- Family and Medical Leave Act Notice to Employee Requesting Leave
- Family and Medical Leave Act Release Authorization for Medical Information
- Family and Medical Leave Act Request

HISTORY:

Adopted: January 25, 1994.
Revised: August 12, 2010

DISTRIBUTION:

All Holders of PSC Procedures Manual

	8/12/10		8/12/10
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			8/12/10
President's Approval			Date