

Polk State College Procedure

Subject	Reference	Date	Number
Family and Medical Leave (FMLA)	DBOT Rule 3.09 Family and Medical Leave Act of 1993	2/6/18	6067

I. Statement of Purpose

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

II. Eligible Employees

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

- Works for a covered employer;
- Has worked for the employer for at least 12 months;
- Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave*; and
- Works at a location where the employer has at least 50 employees within 75 miles.

* **NOTE:** The 12 months of employment do not have to be consecutive. Any time previously worked for Polk State College (including seasonal work) can be used to meet the 12-month requirement. However, if the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count, unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement outlining the employer's intention to rehire the employee after the break in service.

III. Basic Leave Entitlement

Eligible employees are legally entitled to 12 weeks of unpaid leave with job protection and no loss of accumulated service. The College provides an additional 4 weeks of leave for a total of sixteen (16) weeks, or 640 work hours, during a rolling 12-month period. Each time employees take FMLA leave, the remaining leave entitlement is the balance of the 16 weeks not used during the immediately preceding 12 months.

Any of the following reasons may qualify for FMLA leave:

- a. The birth of a child and to bond with the newborn child within one year of birth.
- b. The placement with the employee of a child for adoption or foster care and to bond with the newly-placed child within one year of placement.
- c. A serious health condition that makes the employee unable to perform the essential functions of his or her job.
- d. To care for the employee's spouse, son, daughter, or parent who has a serious health condition.
- e. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

IV. 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.

Eligible employees may take up to 26 work-weeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. Qualifying exigencies (needs) may include: assisting with medical care for the service member, attending certain military events, arranging for alternative childcare, addressing certain financial or legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

V. Use of Accrued Sick and Vacation Time

Polk State College requires employees to use accrued sick and vacation pay concurrent with missed work days while on FMLA leave. After paid leave has been exhausted, the College is required to provide enough unpaid leave to total sixteen (16) weeks for basic leave and up to 26 weeks for military caregivers.

VI. Spouse's Joint Leave

Where spouses are both employed by Polk State College, they 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**

Employees are required to provide advance leave notice and medical certification for any FMLA leave. Employees must provide 30 days advance notice when the FMLA leave is "foreseeable." If this is not possible, employees 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. To initiate the FMLA process, employees must complete and sign a Family and Medical Leave of Absence Request form and provide it to the Human Resources Department as soon as possible.

In order to determine FMLA eligibility, a complete and sufficient certification form from a qualified health care provider must be submitted to the Human Resources department within 15 calendar days of the leave request or start date. The leave may be denied or postponed if the employee fails to provide adequate medical documentation within the specified time period. Periodic recertification may also be required to support the need for leave continuation. Before an employee returns from FMLA leave due to his or her own serious health condition, a return to work notice from his or her health care provider must be submitted to Human Resources.

VIII. **Use of Leave**

Employees are not required to use FMLA leave in one continuous block of time. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Leave can be taken in increments as small as is documented on timesheets (i.e. quarter-hour increments). 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. Leave taken for the birth and bonding of a newborn or newly placed son or daughter cannot be taken intermittently and must be taken as one continuous block of time.

During the course of FMLA leave, employees are required to maintain regular communications with the Human Resources department and respond to all inquiries, including periodic updates on return to work status, in a timely manner.

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 employees will be required to make any ordinarily required employee-paid premium payments. Employees who take 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 who are requesting leave whether they are eligible under FMLA. If any employee is not eligible, Polk State College 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 their leave entitlement. Employees who do not meet the requirements for FMLA leave will be notified by the Human Resources Department.

HISTORY:

Adopted: January 25, 1994
 Revised: August 12, 2010; February 6, 2018

			
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			
President's Approval			Date