

ADMINISTRATIVE PROCEDURE MANUAL		
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FAMILY AND MEDICAL LEAVE ACT (FMLA)	03-1015	1 OF 4
BASED ON BOARD OF TRUSTEES' RULE AND TITLE		DATE REVISED
6Hx7-3.27 Leave		November 2, 2016

Purpose

The Family and Medical Leave Act of 1993 (FMLA) (as amended) entitles eligible employees to take up to twelve (12) weeks (or 480 hours) of unpaid, job-protected leave in a twelve (12)-month period for specified family and medical reasons. Additionally, eligible employees may take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Eligible employees may also take up to twenty-six (26) weeks of job-protected leave in a “single twelve (12)-month period” to care for a covered service member with a serious injury or illness.

Procedure

- A. The College President, or designee, is authorized to grant Family Medical Leave.
- B. Any employee shall be eligible for Family Medical Leave after one (1) year of employment with the College AND with 1250 hours of service during the previous twelve (12)-month period.
- C. An eligible employee shall be entitled to a total of twelve (12) work weeks (or 480 hours) of leave during any twelve (12)-month period for one or more of the following reasons:
 - 1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
 - 2. Because of the placement of a son or daughter with the employee for adoption or foster care.
 - 3. In order to care for the spouse, son, daughter or parent of the employee who has a serious health condition. (Parent cannot be an “in-law”.)
 - 4. Because of a serious health condition that makes the employee unable to perform the functions of his/her position.
 - 5. To care for a covered service member (spouse, child, parent, next of kin) that has a serious health condition (up to twenty-six (26) weeks of job-protected leave). For the purposes of this procedure, next of kin of a covered service member is the nearest blood relative, other than the current service member’s spouse, parent, son, or daughter in the order of priority as established under the U.S. Department of Labor guidelines. Support documentation paperwork for military FMLA shall be presented as soon as practicable.
 - 6. For a “qualifying exigency” arising out of the fact that the spouse, child or parent is on active duty or called to active duty status in support of a contingency operation of the National Guard or Reserves.

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- D. Eligible employees may also take up to twenty-six (26) weeks of job-protected leave in a “single twelve (12)-month period” to care for a covered service member with a serious injury or illness.
1. A covered service member is a current 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 otherwise on the temporary disability retired list for a serious injury or illness.
 2. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
 3. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12)-month period established by the College for other types of FMLA leave.
 4. An employee is limited to a combined total of twenty-six (26) work weeks of leave for any FMLA-qualifying reason during the “single twelve (12)-month period”.
- E. Leave under section C.1. and C.2. shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the College have agreed otherwise.
1. If an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based in planned medical treatment, the College may require such employee to transfer temporarily to an available alternative position offered by the College for which the employee is qualified and that: a) has equal pay and benefits; and b) better accommodates recurring periods of leave than the regular employment position of the employee.
- F. An eligible employee will be required to use leave, in the following order:
1. Non-compensatory sick leave
 2. Sick leave
 3. Sick leave pool
 4. Annual leave
 5. Once the employee has exhausted all leave balances, nonpaid leave will take effect throughout the approved FMLA leave.

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- G. In any case which the necessity for leave under section C.1. or C.2. is foreseeable based on an expected birth or placement, the employee shall provide the College at least a thirty (30-day notice before the date the leave is to begin except if the date of birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practical.
- H. Spouses are limited to a combined twelve (12) weeks of leave in a twelve (12)-month period when taken for the following reasons:
1. The birth, adoption or foster care placement of a child.
 2. To care for the employee's parent with a serious health condition.
- If leave is taken for other reasons, each spouse can each use up to twelve (12) weeks individually. If an employee has used FMLA leave, the amount available would be the difference between the twelve (12) week allotment and what was used during the designated twelve (12)-month period.
- I. An eligible employee who request leave under section C.3. or C.4 must provide the College with certification issued by the attending physician, physician's assistant, nurse practitioner or other approved health care provider of the eligible employee or of the son, daughter, spouse or parent of the employee. The employee shall provide a copy of such certification in a timely manner.
- J. In any case in which the College has reason to doubt the validity of the certification provided under sections C.3. or C.4, the College may require that the eligible employee obtain the opinion of a second health care provider designated or approved by the College concerning any information certified under section C.3. or C.4 for such leave.
- K. The College shall maintain appropriate insurance coverage for eligible employees pursuant to this rule.
- L. The College may recover the premium that the College paid for maintaining coverage for the employee under the group health and dental plan during any period of unpaid leave under section C if:
1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired; and
 2. The employee fails to return to work for a reason other than:
 - a. the continuation, recurrence or onset of a serious health condition that entitles the employee to leave under section C.3. or C.4; or
 - b. other circumstances beyond the control of the employee.

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M. If the employee fails to return from leave after the period of leave to which the employee is entitled has expired, the employee may be deemed to have abandoned their position. The position may be forfeited and may be advertised as a vacant full-time position in accordance with approved procedures.

REFERENCES: F.S. 1001.64, 1001.65, Family Medical Leave Act of 1993

Adopted Date: November 13, 2012

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