

Policy: **Family & Medical Leave Act (FMLA)**

Policy Number: **I-11**

Responsible for Policy: Human Resources

Approval Date: May 2010

Most recent review: Fall 2012

Date of most recent revision (*if applicable*): N/A

Policy Statement

In compliance with the provisions of the Family & Medical Leave Act (FMLA), Finger Lakes Community College will grant up to 12 weeks of unpaid leave to eligible employees for circumstances specified by the FMLA:

- (1) To care for the employee's child after birth, placement for adoption or placement for foster care
- (2) To care for the employee's spouse, son/daughter or parent who has a serious health condition
- (3) For a serious health condition that makes the employee unable to perform the employee's job

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 12-week leave entitlement to address certain qualifying exigencies.

Employees are not obligated to use this leave entitlement in one block. 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 College's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

To be eligible for FMLA benefits, an employee must have worked for the College for at least 12 months, and have worked at least 1,250 hours during the previous 12 months. During FMLA leave, FLCC must maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued work.

Employees may choose or the College may require use of accrued paid leave while taking FMLA leave. In order to use paid leave, employees must comply with the College's normal paid leave policies.

Employees must provide the College with a minimum of 30 days notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the College's normal call-in procedures.

Employees must provide sufficient information for the College to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. The College is obligated to inform the employee requesting leave whether they are eligible under FMLA. If the employee is not, the notice must include the reason for ineligibility and specify any additional information required as well as the employee's rights and responsibilities.

FMLA makes it unlawful for any employer to interfere with, restrain or deny the exercise of any right provided under FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The College will not tolerate retaliation against any employee because he/she requested or used FMLA leave or complained in good faith under this policy. Any individual who feels he/she has been discriminated or retaliated against due to his/her request for or use of FMLA leave should use the reporting procedures set forth in the College's Non-Harassment/Non-Discrimination policy.

Reason for Policy

This policy seeks to ensure that College employees eligible for leave benefits under the FMLA are entitled to leave time, continuation of health benefits, return to job/position at the conclusion of the leave period, and protection against harassment.

Applicability of the Policy

This policy applies to all eligible College employees.

Definitions

Serious health condition: any illness, injury, impairment or physical or mental condition that involves: (i) inpatient care in a hospital, hospice, or residential medical care facility, or (ii) continuing treatment by a health care provider.

Health care provider: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices, or (ii) any other person determined by the Secretary of the Department of Labor to be capable of providing health care services. Other definitions as provided by the FMLA and applicable regulations.

Qualifying exigencies: attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Sufficient information: may include that the employee is unable to perform job functions; a family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave.

Related Documents

- Family Medical Leave Act, *29 U.S.C. § 2601 et seq.*
- FLCC Americans with Disabilities Act policy
- FLCC Equal Employment Opportunity policy
- FLCC Non-Discrimination/Non-Harassment policy

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Procedures

Employees requesting leave time through the FMLA should contact the Office of Human Resources to obtain the necessary application forms and eligibility requirements.

Employees who are eligible for FMLA leave are entitled to leave time, continuation of health benefits, job restoration after leave and protection against harassment.

At the College's or employee's option, certain kinds of accrued paid leave may be substituted for unpaid leave during FMLA leave. Please refer to the policies governing those types of leave for further details.

Forms/Online Processes

- FMLA Application form

Appendix

- None