

METROPOLITAN COMMUNITY COLLEGE

DISTRICT PROCEDURE

3.25015 DP

FAMILY AND MEDICAL LEAVE

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The district shall provide family and medical leaves according to the provisions of the Family and Medical Leave Act of 1993. Family and medical leaves are separate from sick leaves or disability leaves which are addressed in separate policies.

A. Eligibility. To be "eligible" for FMLA leave, an employee must meet the following requirements:

1. Worked for MCC for at least twelve (12) months (although it need not be a consecutive 12-month period).
2. Worked at least one thousand, two hundred and fifty (1,250) hours in the twelve (12) months immediately preceding the start of leave.
3. Worked at a worksite with at least fifty (50) employees within a seventy-five (75) mile radius of the worksite.

B. Conditions for Granting FMLA Leaves. The district will provide up to twelve (12) work weeks for leave within any twelve (12) month period for the following reasons:

1. Birth of an employee's child(ren).
2. Adoption of a child by the employee (or official placement of a child with the employee for foster care).
3. Care of a son, daughter, spouse/domestic partner or parent with a serious health condition.
4. Incapacity of an employee because of a serious health condition.
5. Any qualifying exigency arising out of the employee's spouse, son, daughter, or parent, who is a covered military member on active duty or has been notified of an impending call or order to active duty, in support of a contingency.

C. Leaves for Medical Care Caused by a Serious Health Condition.

1. Definition of a serious health condition: for the purpose of this policy the term "serious health condition" shall be defined as any illness, injury, impairment or physical or mental condition that involves:
 - a. inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical care facility; or

- b. continuing treatment by a health care provider. For purposes of this policy, “continuing treatment by a health care provider” includes:
 - (1) a period of incapacity for more than three (3) consecutive calendar days and either:
 - (a) treatment two (2) or more times, within thirty (30) days, for the same condition, or
 - (b) treatment by a health care provider at least one time, resulting in a continuing regimen of treatment;
- c. pregnancy or prenatal care;
- d. any period of incapacity or treatment for a chronic serious health condition;
- e. period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
- f. any period of absence to receive multiple treatments for a condition that would likely result in a period of incapacity if not treated.

2. Conditions of a Leave for a Serious Health Condition.

- a. The duration of a leave under this category will be limited to the duration of the serious health condition or a maximum of twelve (12) weeks, whichever is less.
- b. The district requires an employee to provide a health care provider’s statement certifying his/her inability to work and the necessity of the requested leave any time a medical condition causes an absence of three (3) days or more. The district reserves the right to seek a second or third opinion at its own expense. This certification shall include the beginning and expected ending dates of the leave. For intermittent leaves, the certification shall provide the dates and durations of the treatment to be given. In addition, an employee must provide a health care provider’s statement certifying the serious health condition of the employee’s immediate family member necessitating the employee’s need for leave for three days or more. Failure to provide the required health care certification may delay the leave, if the need for leave is foreseeable, or may render the leave unapproved.
- c. Employees on leave for their own serious health condition will be paid any accrued, unused sick leave (or, in the case of flexible part time employees, compensated leave time accruals). If the employee is not eligible for sick leave, or has exhausted his/her sick leave accrual, the employee will be required to use any accrued, unused vacation. If the employee has neither sick leave nor accrued, unused vacation time available, his/her leave will be unpaid. Employees requiring leave for the serious health condition of an

immediate family member will be paid up to seventy (70) hours for faculty and eighty (80) hours for staff and administrators of any accrued, unused sick leave. Thereafter, the employee must use any accrued, unused vacation time available. If the employee has neither sick leave nor vacation time available, the leave will be unpaid.

- d. If medically necessary, the leave may be taken on an intermittent basis or a reduced hour basis. If the leave is for such a basis, the district may transfer the employee to a temporary alternate position for which the employee is qualified that better accommodates such leave. The temporary position will have equivalent pay and benefits as the employee's regular position.

D. Leave for the Birth or Care of a Child of the Employee.

1. Leave for the birth, adoption or foster care of a child must be taken within the twelve (12) month period following the birth, adoption or placement of the child.
2. Leave for the birth, adoption or foster care of a child may not be taken on an intermittent or reduced hour basis unless the supervisor and appropriate district officer concur with the request.

E. Military Leave to Care for a Covered Service Member.

An eligible employee may take leave for up to a total of twenty-six (26) workweeks in a single twelve (12) month period to care for a covered service member with a serious injury or illness. For purposes of this policy, a covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list; or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, provided the veteran was a member of the Armed Forces at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

F. Requesting a FMLA Leave.

If the leave is foreseeable, employees shall provide the district human resources office with thirty (30) days advance notice of the need for leave. If, due to unforeseen circumstances such notice is not possible, the employee shall give as much notice as is practicable (typically within one (1) to two (2) business days of learning of the need for leave).

G. Benefits During FMLA Leave.

1. Benefit accruals, such as vacation, sick or holiday benefits will be suspended during the unpaid portion of the leave.
2. Subject to the terms, conditions and limitations of the applicable plans, the district will continue to provide the employee with the same district contribution for medical, dental, vision and life insurance benefits as was provided prior to the leave. This contribution will continue for the duration of the FMLA leave. Employees having coverage requiring employee paid premiums who wish to continue those coverages will be required to pay for such coverage by the tenth calendar day of the month for which coverage is desired. The accounting department will issue a statement to the employee on leave for such premiums. If timely payment is not received, the insurance coverage will be cancelled effective the first day of the month for which payment was not received.

H. Returning From FMLA Leave.

1. To facilitate an employee's return to work, an employee on family or medical leave is requested to provide the district with reasonable notice, a minimum of two (2) work days, of the date the employee intends to return to work.
2. At the end of a family or medical leave entitlement, the employee will be restored to the position held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless, and in compliance with any requirements of the Americans with Disabilities Act, the employee is unable to perform the essential functions of the job. However, employees on leave have no greater right to reinstatement than if they had been continuously at work. Changes in hours, schedules, duties, jobs, benefits, pay, work location, and the like may occur due to district needs.
3. Upon return from a personal medical leave, employees will be required to submit medical certification that they are fit for duty. Failure to provide such certification may result in delay of reinstatement.
4. Failure to report to work promptly at the end of the approved leave period will be treated as a voluntary resignation and will result in termination of employment.

I. Additional Conditions for all FMLA Leaves.

1. Should an employee on leave need to extend the leave due to a change of covered circumstances, the employee shall provide the district with reasonable notice, typically two (2) work days, of such request for extension.
2. If both spouses work for the district, the maximum combined leave for birth, adoption or foster care of a child or a serious illness of a child or parent is a total of twelve (12) weeks.

3. Intermittent leave shall be prorated for employees working less than a forty (40) hour work week. For example, a part-time employee who normally works twenty (20) hours per week will be eligible for a maximum of two-hundred forty (240) hours of intermittent leave (twenty (20) hours times twelve (12) weeks).

J. Non-Discrimination.

Eligible employees who exercise their rights under this policy will not be discriminated against or retaliated against in any way. Any employee who feels his/her FMLA rights have been interfered with, or who believes he/she has been discriminated against or retaliated against for exercising his/her FMLA rights, should contact the office of human resources immediately.

Approved: Chancellor

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Revised-Approved: Chancellor

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