

## **410-10 FAMILY MEDICAL LEAVE ACT (FMLA)—PROCEDURE**

### **1. PURPOSE**

The purpose of the Family Medical Leave Act (FMLA) is to allow eligible employees to take leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. The FMLA provides job protection during the leave period.

### **2. PROCEDURE**

#### **1. Eligibility**

Eligible employees are those who meet the following requirements:

- a. An employee who has been employed for at least 12 continuous months by the College and
- b. An employee who has been employed for at least 1,250 hours of service with the College during the previous 12 month period.

#### **2. Scope of Benefit**

An eligible employee may request up to a total of 12 work weeks based upon the employees normally scheduled work period (i.e. 32 hours / 40 hours per week) of leave during a rolling year. That is, the 12-month period is measured backward from the date an employee uses any FMLA leave. Thus, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve weeks not used during the immediately preceding 12 months.

FMLA may be used for one or more of the following reasons:

- a. The birth or adoption of a child of the employee.
- b. The placement of a child with the employee for adoption or foster care.
- c. To care for the spouse, or child, or parent of an employee if such spouse, child, or parent has a serious health condition.
- d. A serious health condition makes the employee unable to perform the essential functions of the position of such employee.

The entitlement to leave for the birth or placement of a child shall expire at the end of a 12-month period beginning on the date of such birth or placement.

#### **3. Military Related FMLA Leave**

- a. The college will follow the United States Department of Labor Wage Hour Division guidelines that include, but are not limited to, 28M© and 28M(b) fact sheets.

4. **Caregiver Leave:** Eligible employees who are the spouse, son, daughter, parent or next of kin may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. 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.

5. Intermittent Period of Leave

a. Leave may be taken intermittently based upon FLMA requirements and subject to employer approval if necessary.

6. Pay Status

a. The employee must substitute any accrued leave or compensatory time for any part of the FMLA leave.

b. The employee will be on an unpaid status if accrued leave balances are depleted.

7. Request for Leave

a. Requests for FMLA shall be made in writing using a Leave Request form to be given to the supervisor at least thirty (30) days in advance of the need for leave for birth, adoption, or planned medical treatment when the need for such leave is foreseeable. Shorter term notice is sufficient when circumstance does not allow for an advance written warning. To avoid disrupting the operation of the College, the employee shall provide as much notice as soon as possible under the facts and circumstances in the individual case.

8. Medical Certification Requirements

All FMLA requests, except requests for leave for the birth or adoption of a child, must be accompanied by the College's "Request for Family Medical Leave" form and a completed Physician certification form.

9. Americans with Disabilities Act

Nothing in this procedure shall negate the College's obligations under the Americans with Disabilities Act (ADA).

NOTE: For more detail refer to the Procedural Guidelines.

**3. BACKGROUND**

1. References: Americans with Disabilities Act (ADA), Procedural Guidelines
2. Revision history: 04/1995, 07/01/2001, 06/23/2009 (reformatted), 03/06/2019
3. Legal review: 2/11/2019
4. Sponsor: Human Resources

Adopted by College Council: 03/06/2019

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