

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 a total of 12 work weeks of leave during a year. The College defines a year to be 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 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. **Active Duty Leave:** 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 the leave entitlement to address certain qualifying exigencies to manage their affairs, which is referred to herein as “qualifying exigencies.” Qualifying exigencies include (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities, (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities where you and CCC

agree to leave. The length of the leave due to any of the qualifying exigencies will be determined by the applicable regulations and on a case-by-case basis.

- b. 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.

4. Employment of Both Spouses

In the case which a husband and wife are both employed by the College and are entitled to leave under this policy the total amount of work weeks of leave to which both may be entitled will be limited to twelve (12) weeks of leave in the aggregate for the birth or care of a newborn, for the adoption or foster care placement of a child, or for the care of a parent (but not parent in-law).

5. Intermittent Period of Leave

- a. Leave taken for a serious health condition of the employee or for that of a spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary.
- b. Leave taken for the birth of a child, care for the newborn, adoption, or the adoption or placement of a child for foster care with the employee must be taken in consecutive workweeks and completed within the twelve month period following the birth or placement of the child with the employee.

6. Pay Status

- a. The employee must substitute any accrued sick leave for full-time faculty and PTO, SLR, or compensatory time for staff, for any part of the twelve-week 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 which shall 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. Verbal notice is sufficient when circumstance do not allow for an advance written warning.
- b. The thirty (30)-day advance request is not required in cases of medical emergency or other unforeseen events. 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.

- c. Failure to follow internal employer procedures will not permit the College to disallow an employee's taking of FMLA leave if the employee gives timely verbal or other notice.
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 completed by a physician.
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)
3. Legal review: none
4. Sponsor: Human Resources

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