

## E-3i(25) PROCEDURE Benefits: Family and Medical Leave Act (FMLA)

Southeast Community College complies with [the Family and Medical Leave Act of 1993 as amended](#).

Eligible employees:

- One year of continuous College employment
- 1,250 hours worked over the previous 12 months
- at least 50 employees are employed by the College within a 75mile radius of any College facility

### Basic Leave Allotment

The College will provide up to 12 weeks of paid or unpaid, job-protected leave within a given fiscal year to eligible employees. FMLA may be taken intermittently, or on a reduced schedule, when medically necessary, or otherwise approved. An employee must first use existing or accrued paid leave (vacation, sick, and/or personal leave) while on FMLA. Once all paid leave is exhausted, the employee will continue on FMLA in an unpaid status. Employees must comply with leave policies. FMLA may be granted for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent, who has a serious health condition; or
- For the employee's own qualifying serious health condition that renders the employee unable to perform the essential functions of their position.
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

### Serious Health Condition defined as:

- Illness, injury, impairment, or physical or mental condition
- Overnight stay in a medical care facility, or
- Continuing treatment by a health care provider for a condition that either:
  - prevents the employee from performing the functions of the essential functions of their position, or
  - prevents the qualified family member from participating in school or other daily activities.
- Continuing treatment requirement:
  - a period of incapacity of more than 3 consecutive calendar days, combined with at least two visits to a health care provider, or
  - one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.
  - Other conditions may meet the definition of continuing treatment, and will be reviewed/determined by the College on a case-by-case basis.

## Benefits and Protections

In addition to all stated benefits of the [Family and Medical Leave Act](#), Southeast Community College will:

- Require qualified employees to use paid accrued leave before FMLA leave. The employee must comply with the College's normal paid leave procedures.
- Maintain the employee's health coverage under any existing "group health plan"
- Allow for most employees to be restored to original or equivalent positions with equivalent pay, benefits, and other employment terms.
- Expect that employees make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the College's operations.

## Process

- 1) Employee's must contact human resources to file a request for FMLA including anticipated timing and duration of the leave.
- 2) Supporting medical certification will be required.
- 3) When possible, 30-days advance notice is expected.
- 4) Employees also must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- 5) If the College determines that the leave is not FMLA-eligible, the College will notify the employee in writing.

## Employee Rights

The College will not interfere with, restrain, or deny an employee the exercise of any right provided by FMLA. Further, the College will not discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to FMLA. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Related Policy:**

**Adopted:** 08/18/2009

**Reviewed:** 07/27/20

**Revised:** 07/27/20

**Web link:** live link to Hub/Website

**Tags:** FMLA, FMLA-Military, FMLA-Eligibility