7.10 **Family and Medical Leave (FML)**

Employees who have worked for the College for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may be eligible to take up to twelve (12) weeks of unpaid leave within a rolling twelve-month period for the following reasons:

1. Birth and/or care of a newborn child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. In order to care for the employee's spouse, partner, child or parent who has a serious health condition; and
4. A serious health condition that renders the employee unable to perform one of the essential functions of the employee's position; and.
5. **Family Member Active Duty Leave:** “qualifying exigency” arising out of the fact that a spouse, partner, child, or parent is on active duty or is about to be called for active duty and;
5. **Service Member Family Leave:** Care for a spouse, partner, child, parent, or next of kin (the nearest blood relative of the employee) who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury incurred in the line of duty that potentially renders the service member unfit to perform his or her military duties (employee may take up to 26 weeks).

The amount of leave available to an eligible employee at any given time will be calculated by looking backward at the amount of leave taken within the twelve (12) month period immediately preceding the requested leave.

Accrued vacation or other available paid leave options such as sick leave must be applied before FML is unpaid. If no paid time is available, FML is unpaid. In either situation, the twelve (12) week FML period will begin upon commencement of the approved leave.

In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the College and employee agree. If the College employs both spouses/partners, the combined leave will not exceed twelve (12) weeks.

In the case of unpaid leaves for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. If intermittent or reduced hours leave is required, the College may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

During the employee’s FML, the College will continue to provide health insurance coverage under the same conditions as to its employees who are not on FML. If the employee is eligible for paid time off, his/her portion of the insurance premium will be deducted from his/her paycheck in the usual manner. If the employee is on an unpaid FML, however, he/she will remain responsible for paying his/her portion of the insurance premium. Payments may also be made prior to the leave and must be submitted to Human Resources.

The employee must make arrangements to pay all benefits during a period of unpaid leave through Human Resources. If the employee does not make such payments, he/she will nevertheless be restored to the health insurance plan with no break in service upon return from leave; however, **he/she must repay the College for any additional expense incurred by the College for reinstating his/her coverage.** If he/she does not return to the College following an unpaid leave period, he/she may be required to repay any insurance premiums paid by the College during the
leave, unless he/she does not return because of the presence of a serious health condition that
prevents the employee from performing his/her job or circumstances beyond the control of the
employee. If you have any questions about the application of this policy to your particular situation,
contact Human Resources.

During a FML of absence, the employee will not accrue employment benefits, such as vacation pay
and sick/personal pay, etc. Employment benefits accrued by the employee up to the day on which
the FML of absence begins will not be lost. Also during the leave, the employee will not receive pay
for holidays.

Employees who return to work from a FML of absence before or on the business day following the
expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position
without loss of benefits or pay. An employee who fails to return to work immediately following
expiration of the authorized leave period may be considered to have voluntarily resigned. All leave
taken under this policy, and leave for any other reason which could qualify under FML, will be
designated by the College as FML to be counted toward the employee’s leave entitlement under
FML.

An employee who is out on FML of absence cannot work during this timeframe for another
employer. Confirmation of outside employment during an FML absence will be grounds for
immediate dismissal.

Applications for a FML of absence must be submitted in writing to Human Resources. Applications
should be submitted at least thirty (30) days before the leave is to commence, or as soon as possible
if thirty (30) days' notice is not possible. Appropriate forms must be submitted to initiate FML and
to return the employee to active status. In addition to the leave of absence request form, you may be
required to complete a medical certification form, which will need to be signed by your or your
family member's health care provider. These forms are available from Human Resources. Failure to
submit the form or submission of an incomplete medical certification form may be grounds for delay
or denial of leave. Misrepresentation of facts concerning the need for a leave of absence may result
in disciplinary action, up to and including termination.