



## **419 POLICY - Family and Medical Leave**

### **419.1 Statement of Policy**

Redlands Community College provides unpaid leave to eligible employees in accordance with the requirements of the federal Family and Medical Leave Act of 1993 (FMLA) [29 U.S.C. § 2601 et seq. (1993)]. This policy applies only to a leave of absence for certain family and medical reasons, as provided in the FMLA. A leave of absence requested for reasons other than those specified in the FMLA will be governed by the College Leave of Absence Policy. An overview of the FMLA and the applicable College procedures are published in the Procedures section of the Policies and Procedures Manual.

Adopted December 1997  
Revised February 2001  
Revised February 2002  
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## **419 PROCEDURE - Family and Medical Leave**

### **419.1:1 Eligible Employees**

Employees of the College who are eligible for a FMLA leave of absence are those employees who (a) have been employed by the College for at least twelve (12) months and (b) have been employed by the College for at least 1,250 hours of service during the twelve (12) months preceding the leave request.

### **419.1:2 Reasons for Leave**

Leave will be granted under this FMLA policy for the following reasons:

- A. Because of the birth of a son daughter of the employee and in order to care for such son or daughter;
- B. Because of the placement of a son or daughter with the employee for adoption or foster care and in order to care for such son or daughter;
- C. In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
- D. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

### **419.1:3 Leave Period**

An eligible employee shall be entitled to a total of twelve (12) work weeks of FMLA leave during any twelve (12) month period. Entitlement to FMLA leave for the birth or placement of a son or daughter under 420.1:2 (a) and (b) above, expires at the end of the twelve (12) month period beginning on the date of the birth or placement. FMLA leave is not accrued or accumulated. Each time an employee takes FMLA leave, his or her remaining leave entitlement will be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months. Spouses who are both employed by the College will be entitled to a combined total of twelve (12) work weeks of FMLA leave for the birth or placement of a son or daughter or to care for a parent with a serious health condition.



#### **419.1:4 Substitution of Paid Leave**

The eligible employee may elect, or the College may require, that any accumulated paid leave be substituted for any part of the twelve (12) week FMLA leave.

#### **419.1:5 Notice Requirement**

In any case in which the necessity for FMLA leave is foreseeable, the employee shall provide the College with not less than thirty (30) days' notice, in advance of the beginning date of the requested leave. If the leave is necessitated by unexpected events, the employee shall give notice as soon as possible. The notice must be written and must state (a) the reason for the leave request; (b) the beginning date and anticipated duration of the requested leave; (c) the name(s) of the health care provider(s) who can provide medical certification with regard to the leave; and (d) any election by the employee for substitution of accumulated paid leave for unpaid FMLA leave.

If an employee fails to give thirty (30) days' notice of foreseeable FMLA leave, with no reasonable excuse for the delay, the College may delay such leave until at least thirty (30) days after the date the employee provides such notice. If an employee fails to provide requested medical certification, the College may delay a foreseeable FMLA leave until the required certification is provided.

#### **419.1:6 Medical Certification**

The College may require written certification from the health care provider for the employee, son, daughter, spouse, or parent of the employee, in connection with a request for FMLA leave for the reasons listed in 420.1:2 (c) or 420.1:2(d) herein above. The College may require the employee to obtain, at the College's expense, a second opinion from a health care provider selected by the College. Recertification from a health care provider may be required by the College during the leave period if the employee requests an extension of the leave, if there is a significant change in circumstances precipitating the need for leave, or if the College has reasonable doubts about the necessity of continuing the leave.

#### **419.1:7 Intermittent or Reduced Leave**

Leave taken for the birth or placement of a son or daughter of the employee under 420.1:2 (a) or (b) herein above will not be taken intermittently or on a reduced leave



schedule, unless specific prior approval is obtained. Leave taken for the reasons stated in 420.1:2 (c) or (d) herein above may be taken intermittently or on a reduced leave schedule when medically necessary. If intermittent or reduced schedule leave is requested, the employee must make reasonable efforts to establish a schedule that will not be unduly disruptive. If intermittent or reduced schedule leave is requested due to foreseeable, planned medical treatment, the College may temporarily transfer the employee to another position with equivalent pay and benefits that will better accommodate the leave schedule.

#### **419.1:8 Maintenance of Health Care/Insurance Benefits**

During the period an employee is on an approved FMLA leave, the College will maintain the same coverage under any group health care plan that would have been provided if the employee had continued employment during the leave period. The employee will remain responsible for payment of his or her customary share, if any, of the premiums charged.

The College may elect to maintain other insurance benefits, such as life insurance and long term disability insurance, for the employee during the FMLA leave period. In that event, the employee will remain responsible for payment of his or her customary share, if any, of the premiums charged.

If an employee fails to pay his or her required share of premiums for insurance benefits that are maintained during the FMLA leave period, the College may, but is not obligated to, pay the employee's share. In that event, the employee will be obligated to reimburse the College the amounts advanced for the employee's share of the premiums.

If an employee chooses not to return to work after the FMLA leave has been exhausted or has expired, the College may, in certain circumstances, recover the premiums paid by the College for health insurance coverage provided to the employee during the FMLA leave.

#### **419.1:9 Leave Accrual During FMLA Leave**

Paid leave benefits such as vacation and sick leave will not accrue during the period of time an employee is on an unpaid FMLA leave. If a portion of the approved FMLA leave is charged to other types of leave, the same leave benefits accrual will apply during the paid portion of the FMLA leave.



### **419.1:10 Return to Work**

Eligible employees who take approved FMLA leave will be entitled, on return from such leave, to be restored to the same position held when the leave commenced or to an equivalent position with equivalent benefits and pay. Certain highly compensated employees, as defined in the FMLA, may be denied such restoration under certain circumstances specified in the FMLA.

### **419.1:11 Definitions**

The definitions contained in the FMLA [29 U.S.C. Section 2601 et seq. (1993)] and related regulations shall apply to this procedure and the related policy. Included among those definitions are the following:

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. The term does not include parents "in law".

"Son or Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.

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