

College Operating Procedures (COP)



Procedure Title: Family Medical Leave
Procedure Number: 05-0507
Originating Department: Office of Human Resources

Specific Authority:

Board Policy 6Hx6:5.00
Florida Statute 1001.64 (4) (b); 1001.65 (3); 1012.865
Florida Administrative Code n/a

Procedure Actions: 11/21/96; 07/2000; 01/2003; 12/2008; 12/2009; 11/1/10; 10/13/14

Purpose Statement: To provide procedures to College employees for family and medical leave.

In accordance with *Florida Statutes, Florida State Board of Education Administrative Rules, Family and Medical Leave Act of 1993*, and procedures established by the President and District Board of Trustees, full-time College employees may request leaves of absence when it is necessary to be absent from duty. All absences of employees shall be covered by leave duly authorized, granted, reported, and recorded.

Guidelines:

Family and Medical Leave Act of 1993, (FMLA) An absence under the FMLA is defined as an approved absence available to eligible employees for up to twelve (12) weeks of unpaid/paid leave per year (based on a rolling twelve (12) month period measured from the date an employee initially used any FMLA leave) for the following reasons:

1. On the birth of an employee's child;
2. On the placement of a child for adoption or foster care with an employee;
3. When an employee is needed to care for a child, spouse, or parent who has a serious health condition;
4. For the employee's own serious health condition; or
5. For the employee because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty or has been notified of an impending call to active duty. (May qualify for weeks in addition to the 12 week period)

All regular employees are eligible for FMLA if they have been employed by the college for at least twelve (12) months and if they have worked at least 1250 hours during the twelve (12) month period immediately preceding the requested leave. An employee who is eligible for FMLA will be required to submit certification from a licensed medical professional or his or her personal serious health condition or the need to care for relative with a serious health condition.

Upon return to work from FMLA leave due to the employee's own serious health condition, the employee will need to provide a Fitness for Duty form from the treating licensed medical professional.

Requests for intermittent leave are computed using the same 12-month look back principle. Non-duty days shall not be counted as part of the FMLA leave period.

If husband and wife are eligible employees of the College, both may take leave for the birth, adoption or foster care of a child, however the two of them must share a single 12-week leave allotment. This exception does not apply to leave for a personal serious health condition, the serious health condition of a spouse or child, or for a qualifying exigency. In those cases, each spouse would be eligible for the leave period appropriate for the reason type. Each spouse may take leave at the same time.

Premiums for employer paid group health coverage, basic life insurance and long-term disability will be continued during the FMLA period according to the prevailing coverage provisions, subject to changes that may occur within the group plans while the individual is on leave. The employee will be responsible for continuation of dependent group health coverage and all voluntary benefit deductions during the FMLA period.

Upon return to work after the conclusion of approved FMLA leave for any reason, an employee will be returned to the same or equivalent position held prior to the commencement of the FMLA period, subject to the discretion and business interest of the College.

If the employee chooses not to return to work for reasons other than a continued serious health condition or returns to work for less than 30 calendar days, the college may recover the premiums paid for the employee's health basic life and long-term disability coverage.

Employees are not eligible to draw unemployment compensation benefits while on FMLA.

Family medical leave shall run concurrently with any of the following absences:

- worker's compensation;
- short-term disability; or
- long-term disability.

Under College policy, an eligible employee is required to use accrued paid vacation, personal, or sick leave concurrently while on FMLA.

When paid leave is exhausted, the College is required to provide enough unpaid leave to total the FMLA entitlement.

Employees must work more than half the duty days in a month in order to accrue vacation and sick leave during unpaid FMLA.

Military Family Caregiver Leave under Family and Medical Leave Act of 1993 (FMLA)

Amendments to the FMLA made in 2008 provide for an additional leave benefit for an employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty or for any qualifying exigency. This leave provides for an entitlement of up to 26 weeks in a single 12-month period to care for the service member.

Amendments to the FMLA made in 2013 also provide for an additional leave benefit for an employee who is the spouse, son, daughter, parent, or next of kin of a covered veteran with a serious illness or injury. This leave provides for an entitlement of up to 26 weeks in a single 12-month period to care for the veteran.

Definitions:

Covered Service Member – is a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability or retired list for a serious injury or illness.

Covered Veteran – includes a person who was a member of the Armed Forces, the National Guard or Reserves and was discharged or released under conditions other than dishonorable, and was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran who is undergoing medical treatment, recuperation, or therapy.

Qualifying Exigency – includes the following:

- short-notice deployments (seven or fewer days' notice)
- military events (e.g. ceremonies, briefings)
- childcare/school (e.g. time making arrangements on account of call to duty)
- care of the military member's parent who is incapable of self-care
- financial/legal arrangements related to the call to duty
- counseling related to the call to duty
- rest and recuperation leave (up to five days)
- post-deployment activities (e.g. arrival ceremonies, briefings)
- additional activities if permitted by the employer