

HIGHLAND COMMUNITY COLLEGE
GENERAL PERSONNEL POLICY

SUBJECT: Family and Medical Leave

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BOARD OF TRUSTEE APPROVAL: 10/13/93
BOARD OF TRUSTEE REVISION: 2/24/2016

EFFECTIVE DATE: 10/14/93
EFFECTIVE DATE: 2/25/2016

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the College may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care with a child with a serious health condition.

Leave is available because of: (1) the birth of a son or daughter of the employee and to care for the son or daughter; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) the need to care for a spouse, son, daughter, or parent of the employee because of a serious health condition; (4) a serious health condition of the employee that prevents the employee from performing the job functions; or (5) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty. (Leave for reason 1 or 2 must be taken within 12 months of birth or placement.)

An eligible employee may also take up to 26 workweeks of FMLA in a single 12-month period to care for a covered service-member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service-member (military caregiver leave).

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The president will notify the employee prior to or during the leave period that the leave has been designated as paid family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service at the College and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave, the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the College on the payroll date or other time as the employee and president may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

- a. the reasons that leave will count as family and medical leave,
- b. any requirements for medical certification,
- c. employer requirements of substituting paid leave,
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- e. right to be restored to same or equivalent job,
- f. any employer required fitness-for-duty certifications.

Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the president.

The president may require an instructional employee to continue leave until the end of the semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the president may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return of work would occur in the last two (2) weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.