

## 11-21-19 College Proposal

### ARTICLE 6.7. FAMILY AND MEDICAL LEAVE ACT

- ~~A. In accordance with the Federal Family and Medical Leave Act, (FMLA) the College offers to eligible employees up to 12 weeks of unpaid family and medical leave, subject to the terms and conditions of the Federal Law, the Rules and Regulations promulgated under the Federal Law, and the Rules of the Board of Trustees of the College.~~
- ~~B. Under the Family and Medical Leave Act ("FMLA") full time employees who have worked for the College for a total of twelve (12) months and have worked 1,250 hours with the year preceding commencement of the leave are entitled to take either of these two options within any twelve (12) month period:~~
- ~~0. up to twelve (12) weeks of unpaid family/medical leave and/or qualifying exigency military leave ("Military Exigency Leave")~~
  - ~~0. up to twenty six (26) weeks of military family leave to care for a family member or veteran with medical conditions related to such service.~~
- ~~E. Unpaid leaves are not included when calculating whether 1,250 hours have been worked. A twelve month period is defined as any rolling twelve month period measured backward from the date that leave is used. The twelve (12) months of employment do not have to be consecutive; however, a continuous break in service of seven (7) years or more will initiate a new period for earning twelve (12) months qualifying service.~~
- ~~G. Family and Medical Leave may be taken for any of the following reasons:~~
- ~~9. The birth or bonding of a child or the placement of a child with the employee for adoption or foster care.~~
  - ~~10. To care for a spouse, son, daughter, or parent with a serious health condition.~~
  - ~~11. The employee's own serious health condition.~~
  - ~~12. Military Caregiver Leave: to care for a spouse, child, parent or next of kin who is a member of the Armed Forces, including the National Guard and Reserves. This leave can only be taken once during a single twelve (12) month period while the employee works for the same employer, but that requirement is per service member and per injury or illness.~~
  - ~~13. Qualifying exigency leave for a covered spouse, son, daughter, or parent to deal with qualifying exigencies caused by a call to active duty or notification of an impending call or order to covered duty.~~
- ~~N. An employee may opt to use paid leave as appropriate (i.e. sick leave, sick leave pool, and vacation leave) prior to using unpaid leave. Both paid and unpaid leave are counted against the twelve (12) week Family and Medical Leave Entitlement, the twenty six (26) week~~

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~~Military Caregiver Leave, and twelve (12) week Qualifying Exigency Leave. Employees will continue to accrue paid leave while on FMLA Leave provided they receive at least 50% pay during each bi-weekly pay period while on leave.~~

~~P. For full-time employees who are on Family and Medical Leave, Military Caregiver Leave, or Qualifying Exigency Leave, the College will maintain the employee's group health benefits and basic life insurance policy.~~

~~R. Upon return from leave, employees will be restored to their original or equivalent position. Employees who would have been terminated but for the leave, or who are unable to perform the essential functions of the job, will not be reinstated. The Americans with Disabilities Act reasonable accommodations may apply to those who return from leave and are no longer able to perform the essential functions of the job.~~

~~T. Employees are expected to report to work on the first regular business day following the end of the leave period.~~

~~V. Intermittent or reduced schedule leaves are available only when certification from a healthcare provider establishes that such leave is medically necessary.~~

~~X. Notice Requirements:~~

~~26. College: The College shall post a notice in a public location regarding this Rule and information on how to file a claim of violation.~~

~~27. Employees: An employee who wishes to take a leave which is foreseeable shall notify the Administration at least 30 days in advance of the commencement of the leave. When the event or need that occasions the leave is not foreseeable, the employee shall give as much advance notice as practicable under the circumstances.~~

~~BB. Medical Certification:~~

~~29. An employee who requests or takes leave under this Rule may be required to submit medical certification of the conditions that necessitate the leave. Such certification shall be made by the medical provider of the person suffering from the condition, and such certification should be submitted within the first three days of the leave period. Such certification should include:~~

~~dd) the date on which the serious health condition commenced; and~~

~~ee) the probable duration of the condition; and~~

~~ff) the appropriate medical facts within the knowledge of the health care provider regarding the condition; and~~

~~gg) a statement that due to the employee's serious health condition, the employee is unable to perform work functions; or~~

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~~hh) a statement that the employee is needed to care for a spouse, child, or parent with a serious health condition, as appropriate, accompanied by an estimate of the time needed for care.~~

~~35.1. If the Administration should have reason to doubt the validity of a certification, the College may, at its own expense, require the opinion of a second health care provider. In any case in which the first and second opinions differ, the College may, at its own expense, require the opinion of a third health care provider, designated or approved jointly by the Administration and the employee. The opinion of the third health care provider is final and binding on both the Administration and the employee.~~

Bargaining unit employees will be entitled to take family and medical leave in accordance with the Family and Medical Leave Act, provided that alleged violations of the FMLA shall not be subject to arbitration but may be contested in accordance with applicable statutory provisions.