

3357:13-16-781 Family and Medical Leave (FML) Procedures

(A) Requirements for Requesting Family and Medical Leave

(1) Employee notification

- (a) When a qualifying event is known or anticipated, notice should be given as far in advance as possible, submitted 30 days prior to the leave, followed by written documentation. Failure to follow timely notification procedures may result in the delay or denial of FML.
- (b) When an incident is immediate or unforeseen, notice should be given as soon as practical when the employee becomes aware of the need for leave.
- (c) For any requested leave for treatment, reasonable efforts should be made by the employee to schedule appointments that avoid disrupting College operations.

(2) Documentation of a qualifying event

- (a) A request for FML must be substantiated with satisfactory documentation provided within 15 calendar days of the request for leave. If the leave is due to a serious health condition of the employee, employee's immediate family member or covered service member, documentation must be submitted from an appropriate health care provider. Documentation will be either the Certification of Health Care Provider for Employee's Serious Health Condition form or the Certification of Health Care Provider for Family Member's Serious Health Condition. If the leave is due to adoption, foster care placement, active duty leave or covered active duty leave, documentation must be submitted from the appropriate agency.
 - (b) Health care providers that are authorized to complete a certification for military caregiver leave for a covered service member may be a: United States Department of Defense (DOD) health care provider, United States Department of Veterans Affairs (VA) health care provider, DOD TRICARE network authorized private health care provider; DOD non-network TRICARE authorized private health care provider; or non-military-affiliated health care provider.
 - (c) The College reserves the right to request a second opinion if the validity of the Certification of Health Care Provider for Employee's Serious Health Condition form or the Certification of Health Care Provider for Family Member's Serious Health Condition is questioned. This will be done at College expense. If the first and second opinions differ significantly, the College may request that the employee obtain a final and binding third opinion of a jointly selected health care provider. The College may request recertification when appropriate but generally not sooner than 30 days.
- (3) The College may only request second and third opinion of a covered veteran's serious injury or illness only when certification is provided by a non-military-affiliated health care provider.
- (4) A Certification of Qualifying Exigency for Military Family Leave form must be submitted to Human Resources within 15 calendar days of the request for leave. Written documentation such as duty orders, dates of covered active duty service and date of commencement of exigency must be attached to the certification request.

- (5) A Certification for Serious Injury or Illness of Covered Service member for Military Family form must be submitted to Human Resources within 15 calendar days of the request for leave. Written documentation confirming that the covered service member's injury or illness was incurred in the line of duty or aggravated in the line of duty on active duty and that the service member is undergoing treatment for such injury or illness must be included with the form. The College cannot request second/third opinions or re-certifications for leaves to care for a covered injured or ill service member.
- (6) Upon return from leave for a personal serious health condition, the employee must present a fitness-for-duty certificate from the health care provider. The fitness-for-duty certificate must certify that the employee is able to return to work and can perform the essential functions of the job. The employee's return to work may be delayed until the certificate is submitted.
- (7) Failure to follow timely notification procedures or provide physician certification may result in the delay or denial of FML. If FML is denied, any work time missed may result in the time off being applied to the employee's available vacation leave and personal leave balances or, in the event those are exhausted, being considered an unpaid leave of absence.

(B) Calculation of Available Leave

- (1) All leave requests that are FML qualifying events will be counted towards the 12-week or 26-week entitlement period.
- (2) FML balances are determined on a rolling 12-month period, measured backward from the date FML is to be used.
- (3) An eligible faculty or staff member with a less than full-time appointment is entitled to 12 workweeks of FML based on the total number of hours worked per week. The amount per week is prorated based on the employee's FTE.

(C) Options for Taking Family Medical Leave

- (1) The employee may take FML in 12 consecutive weeks, may use FML intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use FML to reduce the workweek or workday resulting in a reduced hour schedule. In all cases, the FML may not exceed a total of 12 workweeks (or 26 workweeks when authorized under the military caregiver leave provisions). The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- (2) Only the amount of leave actually taken is counted toward the 12 or 26 weeks of leave.
- (3) For the birth, adoption, or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.
- (4) If the employee is taking leave for a serious health condition or because of the serious health condition of an immediate family member, the employee should try to reach agreement with the College before taking intermittent leave or working a reduced hour schedule. If this is not

possible, then the employee shall provide documentation that the use of the leave is medically necessary.

(D) Benefits

- (1) While the employee is on FML, the College will continue health insurance benefits during the FML period at the same level and under the same conditions as if the employee had continued to work. The employee will pay their portion of their health care and other benefit premiums during their FML.
- (2) If the FML runs concurrently with a type of paid leave, the College will continue to make payroll deductions for the employee's share of the health care and other premiums from the employee's pay. If the employee has exhausted his/her paid leave and the FML is then unpaid leave, the employee must continue to make their share of the health care and other premium payments on his/her own, and make arrangement for these payments with the College's Payroll Office. If the employee on unpaid leave does not pay their share of the premiums when due, coverage will discontinue and be canceled back to the date covered by the payment last received. Claims incurred after this date will be the sole responsibility of the employee.

Effective: October 1, 2014

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Review Dates: 10/1/14