

**Section:** Family Medical Leave Act (FMLA)  
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**Sponsoring Unit/Department:** Employee Service Center

## Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) provides eligible employees with unpaid, job-protected leave for specified family and medical reasons.

FMLA applies to each individual circumstance in different ways. Employees are strongly encouraged to contact the Employee Service Center about using FMLA.

FMLA leave may be granted for one or more of the following reasons:

- The employee cannot work due to a serious medical condition. Examples include but not limited to:
  - Overnight hospital stay
  - 3 consecutive days of incapacitation
  - Chronic conditions
  - Pregnancy
- The care for the employee's child, spouse or parent with a serious medical condition. Note: "parent" is a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the employee when they were a minor.
- The birth and/or subsequent care of the employee's child
- The placement and/or subsequent care of an adopted or foster care child

### Military Family Leave

A "qualifying exigency" exists when the employee's spouse, child or parent is on active duty or has been called to active duty for the National Guard or Reserve in support of a contingency operation.

FMLA also includes a special leave entitlement permitting eligible employees to take up to 26 weeks to care for a covered service member who has an injury incurred in the line of duty on active duty.

### Eligibility

An employee must have worked for the College for at least one year, and a minimum of 1,250 hours in the previous 12 months to be eligible for FMLA related leave. The 12 months of service includes a break in service not exceeding 7 years, unless the break was due to the employee's active military duty (Reserve or National Guard). The College uses a rolling 12-month period measured backwards from the start of the FMLA leave upon which to base FMLA leave eligibility. The 1,250 hours worked calculation does not include periods of paid or unpaid absences, such as but not limited to the following: sick, annual, holidays, recesses, personal leave, professional development leave.

### Benefits and Protections

An eligible employee may receive up to 12 work weeks (or the equivalent of 60 work days or 480 hours) of FMLA during a 12 month period or 26 work weeks if the leave relates to military caregiver leave. Holidays and Recesses do not count against the FMLA balance if the employee is normally not scheduled to work.

Furthermore, days outside of the faculty days of accountability schedule do not count against the FMLA balance.

During the use of FMLA, the College maintains the employee's health coverage under the same terms and conditions as when they were on the job. While on a paid FMLA leave, the College will continue to deduct an employee's share of the benefit premiums. While on an unpaid FMLA leave, the employee is responsible for making payment arrangements to pay their share of the benefit premiums, as applicable. Failure to make payment arrangements may result in the termination of benefits. Furthermore, if the leave extends beyond the 12 weeks under FMLA and the leave goes unpaid, benefits may be terminated and offered to the employee under COBRA.

An employee must use accrued sick leave for FMLA leave if the use of sick leave is otherwise appropriate under the College's sick leave policies. An employee may elect to use accrued annual leave, compensatory time, and/or personal leave for any period of FMLA leave not covered by sick leave. The employee is required to use all available leave before going unpaid by utilizing sick leave first, annual leave or personal leave days, if applicable.

FMLA runs concurrently with the use of leave (sick, annual, personal leave and unpaid leave), Medical leave, Parental leave, short-term and/or long-term disability, if applicable.

Spouses who are both employed by the College and who are both eligible employees are entitled to a combined total of twelve work weeks of FMLA-covered leave during any twelve-month period for the birth or placement of a child or to care for a parent with a serious health condition. However, because College policy permits up to sixteen weeks of parental leave upon the birth or adoption of a child, each spouse/employee may use additional leave time, as described under the Leaves of Absence: Parental Leave.

At the end of the approved use of FMLA, the employee is entitled to the same or equivalent position with the College.

Use of FMLA will not result in the loss of any previously accrued seniority or employment benefits.

Unpaid FMLA will not be credited for seniority or length of service.

### **Confidentiality**

Only those directly involved/those with a limited need-to-know basis will be provided access to an employee's confidential medical details. To maintain confidentiality and required safeguards, the medical certification and all related documents should be filed directly with the College's Employee Service Center Benefits Office and not with the Supervisor or department. They can be found on the Intranet > ESC > FMLA.

### **Employee Responsibilities and Procedures**

Employees must notify their supervisor(s) as soon as they anticipate an absence for FMLA-qualifying reasons. If the necessity for the leave is foreseeable, the employee shall provide at least thirty days' notice before the leave is to begin. If the leave is not foreseeable, the notice shall include the anticipated timing and duration of the leave. FMLA leave requests must be submitted in writing to the supervisor by the employee by completing the FMLA Leave Notification Form or by the employee's personal or family representative, if the employee is unable to do so.

Employees must provide sufficient medical documentation on the Intranet > Employee Service Center > Family Medical Leave Act (FMLA) for the College to determine if the leave qualifies for FMLA protection.

Fees incurred for the completion of medical certifications are the employee's responsibility.

Employees must contact the Employee Service Center at 520-206-4945 as soon as possible in any of the following situations:

- the leave will extend beyond the approved period;
- They wish to change leave from intermittent to continuous (or vice versa)
- Change in their intent to return to work.

Communication of FMLA status or changes in status is conducted via College email.

Recertification may be required in these circumstances. Employees are required to provide annual recertification supporting the need for intermittent leave.

If the employee fails to provide the required certification or recertification, or fails to remedy any deficiencies in the certification absent extenuating circumstances, the College may deny FMLA leave until the employee provides sufficient documentation.

Other PCC employment is prohibited while on an approved FMLA leave.

### **Return to Work**

When FMLA leave is taken due to an employee's serious health condition, the employee is required to provide an acceptable fitness for duty certificate prior to reinstatement.

Employees may be able to return to work with limitations depending on the nature of the limitations and the employee's specific duties. (Link to Return to Work SOP currently under development)

Failure to submit a requested release may result in the delay of the employee's return to work.

Failure to return to work upon the end of the approved FMLA leave period may result in termination of employment or being considered as voluntarily terminating employment unless the employee has requested and received prior approval for any of the following: short-term disability, other leaves per policy such as medical leave, parental leave, unpaid personal leave, or leave under the ADA as an accommodation.

### **Resources:**

FMLA Application Process

Employee's Guide to FMLA

Request for Family Medical Leave

[FMLA Certification of Health Care Provider for Employee](#)

[FMLA Certification of Health Care Provider for Family Member](#)

[Certification of Qualifying Exigency for Military Family Leave](#)

Employee Rights under the Family and Medical Leave Act (PDF Poster)

FMLA resources can be found on the Intranet > ESC > FMLA

A summary of FMLA provisions, conditions, and limitations is also available on the [U.S. Department of Labor Website](#).