

Family and Medical Leave Act	Document No.	
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	Revision No.	1.0
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1.0 Purpose

This policy establishes guidelines for how employees use the Family and Medical Leave Act (FMLA). This policy summarizes the key points of FMLA. It is not a comprehensive guide to FMLA.

2.0 Revision History

Date	Rev. No.	Change	Ref Section
5-17-11	1.0	Procedure rewrite	
5-17-11	1.1	Added clause to address military family leave.	3.2, 5.2, 5.3

3.0 Persons Affected

- 3.1 All employees who have worked for Casper College for at least 12 months and who have worked at least 1,250 hours over the previous 12 months.
- 3.2 Eligible employees with a spouse, child, or parent who is a covered service member on active duty or call to active duty status in support of a contingency operation.

4.0 Policy

The policy of Casper College is to ensure the following.

- 4.1 The college complies with the FMLA.
- 4.2 Employees use FMLA leave concurrently with annual, sick, converted, or birth or adoption leave or compensation time.
- 4.3 Employees may take FMLA leave intermittently or on a reduced leave schedule when medically necessary.
- 4.4 Employees continue to be covered under their existing health care plan.
- 4.5 Employees do not accrue annual or sick leave while on FMLA unless they are using FMLA concurrently with annual or sick leave.

- 4.6 Employees returning from FMLA leave must be restored to their original or equivalent positions, benefits, and pay, if they are able to perform the essential functions of the position with reasonable accommodations. The college may deny reinstatement of a key employee if the reinstatement would result in substantial and grievous economic injury to the college.
- 4.7 Employees must provide 30 days advanced notice when possible; otherwise, the employee must provide notice as soon as is practical.
- 4.8 The college has the right to require medical certification from a licensed medical provider for leave taken for serious health conditions of the employee or the employee's family.
- 4.9 The college has the right to ask the employee on FMLA to report her status and intentions to return to work. All requests for information will comply with the FMLA and the Health Insurance Portability and Accountability Act.
- 4.10 Employees do not receive in excess of the required FMLA leave during the designated 12-month period.
- 4.11 Spouses who are both employed at the college are entitled to a combined total of 12 weeks of unpaid FMLA leave for the birth and care of the employee's child after birth or adoption placement or foster care or for the care of the employees' spouse, child, or parent who has a serious health condition.
- 4.12 Spouses who are both employed at the college are entitled to a combined total of 12 weeks of unpaid FMLA leave during the designated 12-month period for qualifying military exigencies.
- 4.13 Spouses who are both employed at the college are entitled to a combined total of 26 weeks of unpaid FMLA leave during the designated 12-month period to care for a covered servicemember.
- 4.14 Employees who use unpaid FMLA leave in excess of 90 calendar days, or 182 days in the case of employees eligible to use 26 weeks of FMLA military leave, may be terminated.

## 5.0 Definitions

- 5.1 Designated 12-Month Period. This is the 12-month period the college has selected for FMLA, emergency, or birth or adoption leave. The 12-month period will be measured forward from the first date that a respective leave begins.
- 5.2 Family and Medical Leave Act. This act requires covered employers to provide up to 12 weeks of unpaid, job-protected leave during the designated 12-month period. Eligible employees may use FMLA for incapacity due to pregnancy,

prenatal medical care, or childbirth; for a serious health condition that makes the employee unable to perform the employee's job; to care for the employee's child after birth, adoption placement, or foster care; or to care for the employee's spouse, child, or parent who has a serious health condition.

- 5.3 Military Family Leave. This section of FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave during the designated 12-month period. Eligible employees may use military family leave for qualifying exigencies, which may include attending certain military events, arranging for alternative childcare, addressing financial and legal arrangements, attending certain counseling sessions, or attending post-deployment reintegration briefings. FMLA includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember as defined by the FMLA during the designated 12-month period.
  - 5.4 Covered Servicemember. A current member of the Armed Forces, including the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.
  - 5.5 Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of her job or prevents the qualified family member from daily activities.
  - 5.6 Continuing Treatment. Continuing treatment is incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
  - 5.7 Key Employees. This is the group of employees at the college who consist of the highest ten percent of compensated employees at the college.
  - 5.8 Supervisor. The person to whom the employee reports and who has managerial responsibility to make decisions regarding the employee.
- 6.0 Responsibilities
- 6.1 Employees are responsible for requesting FMLA and for providing appropriate documentation of illness, injury, or treatment to the Human Resources Department.

- 6.2 Employees are responsible for working with their supervisors to plan and schedule the employee's return to work.
- 6.3 The Human Resources Department is responsible for recording and monitoring FMLA leave and for communicating with employees about how much leave they have available to them.
- 6.4 The director of human resources is responsible for ensuring compliance with the FMLA.

## 7.0 Procedures

### 7.1 Taking Leave.

- 7.1.1 The employee notifies his supervisor immediately of any illness, injury, or treatment or responsibilities that might require extended or intermittent leave.
- 7.1.2 The employee then contacts the Human Resources Department to determine if or when the employee is eligible for FMLA leave. If the employee is incapacitated, a guardian or person with power of attorney may represent the employee.
- 7.1.3 The director of human resources will verify eligibility and notify the employee and the employee's supervisor of eligibility for FMLA leave.
- 7.1.4 The Human Resources Department may contact the employee's medical provider. All requests for medical information will comply with the FMLA and the Health Insurance Portability and Accountability Act.
- 7.1.5 The employee and his supervisor will develop a leave schedule.
- 7.1.6 The employee returns to work at the conclusion of the FMLA leave. The employee must provide a written release from a licensed medical provider when he has been on leave for a personal illness, injury, or treatment.
- 7.1.7 The president may terminate an employee who is unable to return to work with reasonable accommodations after all available leave has been exhausted or if the employee is a key employee whose reinstatement would result in a substantial and grievous economic injury to the college. The Board of Trustees may terminate the president if his reinstatement would result in a substantial and grievous economic injury to the college.