
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

TITLE: Family and Medical Leave Act (FMLA)

NUMBER: PRO 5-31

REFERENCE: Board Rules 5.13
Family & Medical Leave Act of 1993

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I. PURPOSE

Lake-Sumter State College is committed to compliance with the Family and Medical Leave Act of 1993 (FMLA). The purpose of this policy is to provide employees a basic understanding of their rights and obligations under FMLA.

II. RESPONSIBILITY

Oversight for this procedure falls under the supervision of the Executive Vice President.

III. FAMILY AND MEDICAL LEAVE ACT (FMLA)

Under the Family and Medical Leave Act (FMLA) employees who have worked for the College for a total of twelve months and have worked 1,250 hours with the year preceding commencement of the leave are entitled to take within any twelve-month period 1) up to twelve weeks of unpaid family/medical leave and/or qualifying exigency military leave (Military Exigency Leave); 2) up to 26 weeks of unpaid military family leave to care for a family member or veteran with medical conditions related to such service. 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 months of employment do not have to be consecutive, however a continuous break in service of seven years or more will initiate a new period for earning twelve months qualifying service. The College requires employees to use accrued paid leave (vacation or sick) when utilizing FMLA leave.

Leave may be taken for the following reasons:

- a. The birth or bonding of a child or the placement of a child with the employee for adoption or foster care. See Administrative Procedure 5-11 Leaves – Parental Leave.
- b. To care for a spouse, son, daughter, or parent with a serious health condition.
- c. For the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care.
- d. 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-month period while the employee works for the same employer, but that requirement is per-service member and per-injury or illness.

- e. Employees can take FMLA leave for their biological children; adopted children; foster children; stepchildren; legal wards; or children for whom employees have day-to-day responsibilities to care for or financially support. Children must be under age 18 unless they are incapable of self-care because of a physical or mental disability (as defined under the federal Americans with Disabilities Act) at the time that FMLA leave begins.
- f. Employees can take FMLA leave for their biological, adoptive, step or foster father or mother, or for any person who had day-to-day responsibilities or provided financial support for them as children. Employees cannot take FMLA leave for parents-in-law.
- g. Employees can take FMLA leave to care for a spouse with a serious health condition. Spouse refers to a husband or wife in a marriage recognized by state law where the marriage was celebrated (performed), including common law marriage and same-sex marriage.
- h. Serious health condition is a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves:
 - i. Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility; or
 - ii. A period of incapacity requiring absence of more than three calendar days from work, school or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health provider; or
 - iii. Any period of incapacity due to pregnancy or for prenatal care; or
 - iv. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or
 - v. Any period of incapacity that is permanent or long-term due to a condition for which treatment might not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.); or
 - vi. Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.).

Employees can take Qualifying exigency leave for a covered spouse, son, daughter or parent to deal with qualifying exigencies caused by a call to active duty or has been notified of an impending call or order to covered duty.

- i. Regular, full-time employees are required to use paid leave as appropriate, i.e. sick leave, short-term disability, sick leave pool (for serious health condition of employee only), personal and vacation leave (for serious health condition of employee, parent, spouse, or child), and prior to using unpaid leave.

Pay Continuation	Pay Leave Available for Type of FMLA Leave		
	New Child Care Leave	Leave for Parent, Spouse, or Child	Employee's Own Medical Leave
(1) Short term disability (if eligible)	No	No	Yes
(2) Sick/Personal Leave	Up to 4 days (personal); remaining sick leave	Up to 4 days (personal); remaining sick leave	Yes
(3) Parental Leave	Up to 10 days	No	No
(4) Vacation Leave	Yes	Yes	Yes
(5) Sick Pool Leave (if eligible)	No	No	Yes
(6) Unpaid Leave	Yes	Yes	Yes

- j. Both paid and unpaid leave are counted against the twelve-week Family and Medical Leave Entitlement, the 26-week Military Caregiver Leave, and twelve-week Qualifying Exigency Leave. Employees will continue to accrue paid leave while on FMLA Leave as long as they receive at least 51% pay during each bi-weekly pay period while on leave.
- k. The College will maintain the employee's group health benefits and basic life insurance policy for full-time employees who are on Family and Medical Leave, Military Caregiver Leave or Qualifying Exigency Leave and who continue to pay the employee premium contributions while on leave. If an employee's premium contributions are over 30 days late, group health insurance coverage may be terminated.
- l. Employees who are on Family and Medical Leave, Military Caregiver Leave or Qualifying Exigency Leave are subject to disciplinary actions, if warranted, as a result of not complying with College policies.
- m. Upon return from FMLA eligible 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.
- n. Employees are expected to report to work on the first regular business day following the end of the leave period.
- o. When an employee becomes aware of the need for FMLA leave, the employee should contact Human Resources. Requests for FMLA shall be made at least 30 days in advance where the leave is foreseeable. This notice period does not apply to requests for military leave.
- p. Upon receipt of sufficient information supporting the employee's request for FMLA Leave, Human Resources will make a designation as appropriate and inform the employee and the employee's supervisor.
- q. During FMLA leave, employees must keep their supervisor and Human Resources informed of the estimated duration of leave and their intended date to return from leave. If employees need to take more or less FMLA leave than originally anticipated, they must provide their supervisor and Human Resources reasonable notice of the changed circumstances where foreseeable.
- r. Intermittent or reduced schedule leaves are available only when certification from a healthcare provider establishes that such leave is medically necessary.

- s. Employees on Family and Medical Leave for a serious health condition for themselves, a spouse, child or parent may be required while on leave to recertify that the serious health condition exists if: 1) an employee requests an extension of leave; 2) circumstances described by the original certification have changes; or 3) the College receives information which casts doubt upon the continuing validity of the certification.
- t. Where an employee has requested leave for his/her own serious health condition, the employee will be required to provide fitness-for-duty certification that he/she is able to resume work. Human Resources may require that fitness-for-duty certifications specifically address the employee's ability to perform essential job functions.
- u. Any employee who fails to report to work after the expiration or any approved leave, or after being released to return to work by his or her healthcare provider may be considered to have voluntarily resigned their employment.
- v. Employees who have not exhausted 12 weeks of leave under FMLA in a rolling 12-month period may request an extension of FMLA leave. Employees must submit a new FMLA request to Human Resources two weeks prior to the end of the current FMLA leave.
- w. Employees who have exhausted 12 weeks of leave under FMLA in a rolling 12-month period may request an extension of their leave for any other leave they may be eligible for per PRO 5-11 (Leaves). Employees must submit an extension request to Human Resources two weeks prior to the expiration of the current leave.

IV. RESPONSIBILITY

Employees are responsible for completing leave of absence request forms and, if applicable, provide supporting documentation including medical certification forms. The employee must provide the leave of absence documentation in a timely manner as instructed by the department manager or Human Resources.

The Human Resources Department will assist employees in completing the appropriate leave of absence documentation. Human Resources will also review leave of absence documentation submitted and provide final approval for the leave of absence. Human Resources will notify the employee and the manager of leave of absence status. Additionally, Human Resources will coordinate time recording processes for tracking leave of absence time off.

NEW: 5/14/2019

REVISED: 5/2020