



Jamestown Community College  
Policies and Procedures

<b>Policy Title</b>	<b>Family Medical Leave Act</b>	<b>Policy Number</b>	<b>053</b>
<b>Section</b>	<b>Governance, Organization and General Information</b>	<b>Approval Date</b>	<b>9/18/2018</b>
<b>Subsection</b>	<b>Individual Rights</b>	<b>Effective Date</b>	<b>9/18/2018</b>
<b>Responsible Office</b>	<b>Human Resources</b>	<b>Review Date</b>	

## 1.0 Purpose

**1.1** To assure compliance with the Family Medical Leave Act of 1993.

## 2.0 Policy

**2.1** Jamestown Community College (JCC) will provide eligible employees with up to twelve (12) weeks of unpaid, job-protected leave, per rolling calendar year, for qualifying reasons under the Act. An FMLA leave will be paid if the employee uses accrued benefit time.

**2.2** Depending upon the nature of the condition, the leave may be continuous or intermittent.

**2.3** In order to be eligible, an employee must have been employed by the College for at least twelve (12) months cumulatively, and must have worked at least 1,250 hours during the 12-month period preceding the requested commencement of the leave.

## 2.4 Military Leave Provisions

**2.4.1 Qualifying Exigency Leave.** Eligible employees who are the spouse, son, daughter, or parent of a military member may take up to 12 weeks of FMLA leave during any 12-month period to address the most common issues that arise when a military member is deployed to a foreign country, such as attending military sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare.

**2.4.2 Military Caregiver Leave.** Eligible employees who are the spouse, son, daughter, parent or next of kin of a covered servicemember may take up to 26 weeks of FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty on active duty.

**2.4.3** Military Leave Provisions apply to families of members of both the active duty and reserve components of the Armed Forces.

**2.5** Qualifying reasons for FMLA leave include the following:

- Childbirth and/or care for a newborn (within the first 12 months of birth)
- Childcare needs resulting from an adoption or foster care placement (within the first 12 months of adoption or placement)
- Care for employee's spouse, domestic partner, child, or parent with a serious health condition. Parent includes an individual who stood *in loco parentis* to the employee when the employee was a child.
- Employee's own serious health condition
- Circumstances relating to the fact that an employee's spouse, son, daughter, or parent is on, or has been called to, active duty in the National Guard or Reserve branches of the Armed Forces or is in a regular component of the Armed Forces deployed to a foreign country
- Employee who is caring for a spouse, son, daughter, parent, or next of kin who is a seriously injured or ill service member, or a veteran service member if the veteran had been an active member of the Armed Forces (including the National Guard or Reserves) at any time during a five-year period prior to medical treatment, recuperation, or therapy

**2.6** While on FMLA leave, JCC will maintain the employee's group health benefits in the same manner as prior to leave. Pension contributions will continue, however, only during the paid portion of the leave.

**2.7** Upon return from FMLA leave, the employee will be restored to the position held prior to the leave or to an equivalent position with equivalent benefits. If the employee fails to return to work upon expiration of the FMLA leave and has not received authorization for his/her continued absence, he/she may be subject to disciplinary action in accordance with College policies and applicable collective bargaining agreements.

**2.8** This policy is subject to any additional or superseding requirements in applicable law.

### **3.0 Procedures**

**3.1** It is the responsibility of the employee to first notify their supervisor of the need for leave under the FMLA.

**3.2** The employee must complete an Application for FMLA Leave, along with the U.S. Department of Labor Certification of Health Care Provider Form, and submit to the Human Resources Department for approval and processing.

**3.3** For those taking intermittent leave under the FMLA, it is the employee's responsibility to make a reasonable effort to schedule absences for treatment so as not to unduly disrupt the employer's operation.

**3.4** It is the employee's responsibility to notify the Human Resources Department on the first day the employee returns to work so that payroll and benefits can be reinstated. A doctor's note clearing the employee to return to work may also be required before the employee's return date is finalized.

### **4.0 Definitions**

**4.1 Continuous leave:** a qualifying absence under the FMLA that lasts for three (3) or more consecutive business days.

**4.2 Intermittent leave:** the taking of leave under the FMLA in separate blocks of time for a single qualifying reason, or on a reduced leave schedule, reducing the employee's usual weekly or daily work schedule.

**4.3 Serious health condition:** an illness, injury, impairment, or physical or mental condition that involves incapacity or treatment connected with:

- inpatient care in a hospital, hospice or residential medical facility;
- pregnancy or prenatal care; or
- continuing treatment by a health care provider

## **5.0 References**

**5.1** 29 CFR Part 825 The Family Medical Leave Act