

GCCC Policy Add Template

Category: Choose an item.

Division: Personnel

Department: Click here to enter text.

Policy Title: Family Medical Leave (FML)

Policy Statement: Garden City Community College (GCCC) is committed to compliance with the Family and Medical Leave Act of 1993 (the "FMLA"). GCCC will grant eligible employees leave under the FMLA ("Family Medical Leave" or "FML") for up to 12 workweeks during any 12-month period.

The purpose of this policy is to provide employees with a basic understanding of their rights and obligations under the FMLA.

Procedures: This policy applies to all employees eligible for leave under FMLA. An employee who has been employed at GCCC **for at least 12 months** and has **worked at least 1,250 hours** during the 12-month period preceding the request for leave is eligible for family medical leave ("FML"). Paid absences (including Workers' Compensation, College closed dates, and other paid or unpaid time off) prior to taking FML, are **not** included in the 1,250 work hours reference above.

BASIC LEAVE ENTITLEMENT:

An eligible employee is entitled to take up to 12 weeks of job-protected FML for the following reasons:

- Because they are unable to perform their job due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

MILITARY FAMILY LEAVE ENTITLEMENTS:

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain "qualifying exigencies." Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of

leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

Family Medical Leave (FML) Policy

- (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, 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; or
- (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FML to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. (Note, the FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of serious health condition).

EMPLOYEE BENEFITS DURING FML AND JOB RESTORATION AFTER FML:

Health Insurance: During an employee's FML, GCCC will maintain health insurance and other group health benefits on the same conditions as if the employee was working subject to applicable plan documents and law. If the employee wants benefits to continue during FML, he/she must continue to pay the share of the premiums for those benefits at the same contribution rate as if he/she were an active employee. If any portion of FML is paid, the employee's share of the benefit premiums will be paid through automatic payroll deductions. For unpaid FML, the employee will be billed and must make payments for his or her share of the premiums on a monthly basis. GCCC's obligations to maintain health benefits cease if an employee fails to pay his/her share of premiums for which he/she is billed.

Accrual of Vacation, Personal and Sick Leave during FML: Consistent with GCCC's policy for all types of leave, employees will not accrue vacation or other benefits while on Unpaid FML.

Holidays during FML: Employees will not be paid for holidays that fall during Unpaid FML.

Job Restoration: Most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms after FML.

Kansas Public Retirement System: Use of FML will not result in the loss of service credit when Member on leave of absence is earning 50% or more of *Full pay.

*Full pay is based on regular pay, accumulated sick leave, vacation, off-duty days, or any combination. Full pay does not include workers' compensation.

***Other Retirement Plans:** FML will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in GCCC's retirement plans.

ELIGIBILITY REQUIREMENTS:

Employees are eligible for FML if they have worked for **GCCC for at least 12 months** and have worked at least 1,250 hours during the 12-month period before a request for FML.

FML "LEAVE YEAR":

For the purposes of this policy, GCCC will use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Available leave is determined by subtracting the number of weeks of FMLA leave taken during this 12-month "look back" period from the 12-week total allowed.

USE OF LEAVE:

An employee does not need to use FML in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt GCCC's operations. Employees may also take leave due to "qualifying exigencies" (defined above) or "bonding leave" (leave to bond with a newborn child or newly-adopted child) on an intermittent basis.

PAY DURING FML:

Under the FMLA, Family Medical Leave generally is unpaid. However, GCCC has made provisions for employees to receive pay during FML under certain circumstances, described below.

Sick: An employee must first use his/her accrued sick leave concurrently with FML.

Vacation and Off-Duty Day Leave: An employee must then use accrued vacation or off duty days concurrently with FML.

Workers Compensation "Lost Time": FML runs concurrently with Workers' Compensation Lost Time if the basis for the Lost Time also meets the definition of a serious health condition under the FMLA.

HOW TO REQUEST LEAVE:

An employee must provide 30 days advance notice to his or her manager of the need to take FML when the need for leave is foreseeable.

Complete an Employee Request Form and submit to Human Resources for review.

When 30 days' notice is not possible, the employee must provide notice to his or her manager as soon as practicable and must comply with GCCC's normal call-in procedures.

Family Medical Leave (FML) Policy

Human Resources will inform employees of additional obligations, including the need for a medical certification supporting the need for FML.

Generally, when requesting FML, employees must be prepared to provide sufficient information for GCCC to determine if the leave is covered by the FMLA and the anticipated timing and duration of the leave. Sufficient information may include the following: whether the employee is unable to perform job functions; whether the employee's family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, whether the leave is for a reason for which the employee previously took FML; the circumstances supporting the need for military family leave.

THE COLLEGE'S RESPONSIBILITIES:

GCCC will inform an employee requesting FML whether he or she is eligible under FMLA.

If he or she is eligible, GCCC will notify the employee of any additional information required as well as the employee's rights and responsibilities.

If GCCC determines that the leave is not FMLA-protected, it will notify the employee and provide a reason for ineligibility.

GCCC will also inform an employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FML entitlement.

THE EMPLOYEE'S RESPONSIBILITIES:

Consistent with GCCC's policy regarding all types of leave, the following conduct is strictly prohibited in relation to FMLA leave:

- Engaging in fraud, misrepresentation or providing false information to GCCC or any health care provider.
- Having other employment during the leave, without prior written approval from GCCC.
- Failure to comply with the employee's obligations under this policy.
- Failure to timely return from the leave.

Employees who engage in conduct described above will be subject to loss of benefits, denial or termination of leave, and corrective action, up to and including termination.

THE COLLEGE'S COMMITMENT:

GCCC will not interfere with, restrain, or deny the exercise of any right provided by the FMLA, nor will it discharge or discriminate against any individual for opposing any practice or involvement in any proceeding relating to the FMLA. GCCC recognizes the co-existence of state and/or local laws regarding family and medical leave. Where such laws apply and provide greater family and medical leave rights than the FMLA, GCCC will comply with those laws.

Family Medical Leave (FML) Policy

Contacts: Director of Human Resources

Approved Date: 3/13/2019

Policy History: [Click here to enter text.](#)

Keywords: [Click here to enter text.](#)

Related Form: [Click here to enter text.](#)