

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

FAMILY AND MEDICAL LEAVE

Effective August 21, 2000

Procedure No. 3-36 (D)

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- (1) The college has adopted the following procedures to administer Family and Medical Leave (FML) in accordance with federal law.
- (2) Definitions:

Key employees: The President, Vice President, Provost, or Associate Provost.

Eligibility: In order to be eligible for FML, a full-time employee must have been employed by the college for one year and have worked for 1,250 hours during the 12 months preceding the start of FML. A part-time employee is eligible for FML on a prorated basis.

Health care provider: To certify FML, must be licensed by the state to deliver health care services within the scope of its practice. Health care provider may be a doctor of medicine or osteopathy, dentist, clinical psychologist, social worker, optometrist, podiatrist, chiropractor, nurse practitioner, nurse-midwife, or Christian Science practitioner.

Immediate family: For purposes of this section, includes: parent, sibling, grandparent, child, spouse, parents-in-law, children-in-law, sibling-in-law, grandchild, stepparents, stepchildren, a legal guardian or other person who stands in the place of a parent, other persons residing in the home of the employee, or a domestic partner. To use FML for a domestic partner who has a serious health condition, a completed and notarized Affidavit of Domestic Partnership form must be on file with the Human Resources Department.

Medical certification: A request for FML for a serious health condition must be substantiated with satisfactory certification from an appropriate health care provider. A Certification of Health Care Provider form may be obtained from the Human Resources Department and must be used by the employee.

Need to care for a family member: Encompasses both physical and psychological care as certified by an authorized health care provider. This includes situations where a family member is unable to provide his or her own medical, hygienic, nutritional, safety, and/or transportation needs.

Serious health condition: In order to qualify for FML, an employee must provide

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documentation that meets one of the following criteria:

- (a) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined as inability to work, attend school, or perform other regular daily activities), or any subsequent treatment in connection with such inpatient care.
- (b) Continuing treatment by a health care provider: A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - (i) Treatment of two or more times by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider.
 - (ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment.
- (c) A period of incapacity due to pregnancy or for prenatal care.
- (d) A period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period, and may cause episodic rather than a continuing period of incapacity.
- (e) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member need not be receiving active treatment by a health care provider (e.g., Alzheimer's disease, severe stroke, terminal cancer).
- (f) A period of absence to receive multiple treatments for an injury or condition which would result in incapacitation of more than three consecutive days if not treated.

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Sick leave: Paid leave that is used in the event of personal illness or injury; or illness, injury, or death of an immediate family member. Usage must be approved in accordance with college Policy No. 3-10.

- (3) Application and Utilization of Family and Medical Leave:
- (a) All leave requests that meet the FML criteria will be considered FML for the purpose of calculating the 12-week entitlement period. Employee notification/application:
 - (i) In the event of a planned absence, an employee must notify his/her administrator at least 30 days in advance of the anticipated reason, duration, and start date.
 - (ii) When an incident is immediate or unforeseen, a verbal notice should be given as soon as possible.
 - (b) The employee's administrator shall immediately inform the Human Resources Department, which shall notify the employee of his or her rights and obligations when requesting leave for reasons that meet (or appear to meet) FML requirements.
 - (c) The employee must provide medical certification to the Human Resources Department within 15 calendar days after receiving FML notification. Before approving FML, the college reserves the right to require a second medical certification from a health care provider. This will be done at college expense. If the first and second opinions differ significantly, the college reserves the right to request that the employee obtain a final and binding third opinion of a jointly selected health care provider whose fee will be paid by the college. The college may request recertification with updated information.
 - (d) Administrative approval:

FML is subject to the approval of the employee's administrator, in conjunction with the Human Resources Department. When leave is to be designated as FML, an

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employee's administrator shall notify the employee in writing of such designation within two (2) working days.

- (e) The Human Resources Department shall keep records of employee leave balances and provide to the employee current FML balances upon request.
- (f) If the employee is unable to return to his or her job at the scheduled termination of the leave, but still has available FML, the employee must request an extension of time from his or her supervisor at least two weeks before the leave expires when the need is foreseeable.

(4) Calculation of Available Leave:

FML balances are determined on a rolling 12-month period, measured backward from the date FML is used. For example, if an employee has taken eight weeks of leave during the past 12 months, the employee still has available a balance of four weeks.

(5) Relationship to Paid or Unpaid Leave:

An employee taking FML shall, while on FML, utilize his or her accumulated sick leave first, if the leave meets the criteria for taking sick leave. The employee may then use his or her vacation leave or personal business leave. Any use of leave while on FML must meet the criteria of the college's policies and procedures for those leaves. If sick and vacation leave balances are insufficient, FML may be taken as leave without pay. If an employee is on worker's compensation leave for a serious health condition, this time will be counted toward Family and Medical Leave.

(6) Intermittent or Reduced Leave:

In some circumstances FML may be taken intermittently or on a reduced schedule, as approved:

- (a) Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's own serious health

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condition.

- (b) Intermittent/reduced schedule leave for other reasons, such as to care for a newborn or newly placed adopted or foster care child, may be taken only with the approval of the appropriate administrator.
 - (c) Only the amount of leave actually taken while on intermittent/reduced schedule leave will be charged as FML. Employees will not be required to take more FML than necessary to address the circumstances that cause the need for leave. FML leave for periods of less than a full day will be accounted for in increments of one hour.
 - (d) An employee needing intermittent/reduced schedule leave for foreseeable medical treatment must work with his or her manager to schedule the leave so as not to unduly disrupt the operations of the work unit, subject to the approval of the employee's health care provider. Where such leave is needed, the college may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates recurring periods of leave better than the employee's regular job.
- (7) Return to Work and Maintenance of Benefits:

When FML is concluded, the employee will be returned to the same or an equivalent position with equivalent pay, benefits, and other terms of employment, with the possible exception of key employees. The use of FML will not result in the loss of any employment benefit that had accrued prior to the start of the employee's leave.

In accordance with the federal Family and Medical Leave Act (FMLA), the college reserves the right to withhold reinstatement to certain "key employees," as that term is defined by federal law, under the conditions and procedures established by the FMLA.

Health insurance and other benefits will be continued during FML according to the prevailing coverage provisions, subject to changes that may occur within the group plan while the individual is on leave. An individual taking FML using unpaid leave must contact the Human Resources Department to arrange for making premium payments to continue coverage.

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- (8) An employee's failure to return to work at the conclusion of the 12 weeks provided for in this policy may result in the employee's being terminated for cause. However, if the employee has other leave (sick, vacation, or personal) available to cover the additional time needed for a serious medical condition of the employee or an immediate family member, the employee's employment will continue pursuant to the policies and procedures governing the leave requested. As long as the employee has sufficient paid leave available to cover the additional leave, he or she will be afforded the same reinstatement rights he or she would have had upon returning at the conclusion of the 12 weeks of FML. If an employee cannot return to work and is without additional leave, he or she may apply for an unpaid leave of absence pursuant to Policy No. 3-13. The denial or granting of a request for such leave will be based upon the considerations set forth in that policy and its procedures.