

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Policy Number:

Owner Department: Office of Human Resources

Effective Date: September 24, 2014

Approved By: President's Council

I. POLICY STATEMENT/PURPOSE

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. SCNM complies with the federal Family and Medical Leave Act of 1993 (FMLA).

II. POLICY STATUS

N Revised - replaces Family and Medical Leave policy 9.24.2014

III. SCOPE/KEY STAKEHOLDERS

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

- Works for a covered employer.
- Has worked for the employer for at least 12 months.
- Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave, and
- Works at a location where the employer has at least 50 employees within 75 miles.

IV. POLICY ITEMS

Leave Entitlement

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care.
- To care for a spouse, son, daughter, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.
- An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement.

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including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service.

Certification

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition.

Guidelines

FMLA and any paid time off benefit the employee has available must be taken concurrently. At the onset of the leave, the employee is required to use all available sick hours and then all available vacation hours. After paid hours are exhausted, the leave will become unpaid for the remainder of the leave period.

SCNM is required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. SCNM will continue the employee's insurances for the duration of the paid/unpaid FMLA by paying the employer's share of any premium. The employee is responsible for his/her portion of premium:

- While the leave is paid, the employee portion will be deducted from the employee's pay.
- While the leave is unpaid, SCNM will bill the employee. If payment is more than 30 days late, SCNM has the option of discontinuing coverage retroactively to the last day of the period for which a premium was paid.
- If the employee fails to return to work within 30 days of the end of the leave for reasons other than the continuation or recurrence of the serious health condition or other circumstances beyond the employee's control, SCNM has the option of recovering the employer share of the premium paid during the leave.

Job Restoration and Health Benefits

Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy.

Return To Work

- A Health Care Provider Release to Return to Work Form will be required prior to the employee returning to work if the leave was taken due to employee's own serious health condition.
- If unable to return to work after the FMLA due to reasons of his/her own health condition, or if the employee wishes to extend the leave for personal reasons, the employee may apply for an Extended Leave of Absence (paid/unpaid), which, in most cases, will not exceed an additional three months. Approval of an Extended Leave is at the discretion of the Office of Human Resources and the employee's Supervisor.

HISTORY/BACKGROUND

- Family and Medical Leave Act of 1993, as amended
- The National Defense Authorization Act for 2010

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VII. RELATED POLICIES

1. Policies: Staff Vacation Policy; Faculty Vacation Policy
2. SCNM Employee Handbook
3. SCNM Faculty Handbook

VIII. RELATED DOCUMENTS

1. Leave of Absence Request Form
2. Certification of Health Care Provider for Employee's Pregnancy or Serious Health Condition
3. Certification of Health Care Provider for a Family Member's Serious Health Condition
4. Certification of Health Care Provider for a Military Family Member's Serious Health Condition
5. Certification for Military Family Business/Qualified Exigency
6. Health Care Provider Release to Return to Work Form

IX. NEXT REVIEW DATE

As necessary

X. VERSION CONTROL AND CHANGE HISTORY

Version Control	Approved By/Date	Date Effective	Amendment
1	President's Council/September 24, 2014	September 24, 2014	
2	President's Council/November 18, 2020 (minor edits & document reorganization only)		

XI. POLICY AUTHOR/CONTACT

Office of Human Resources