

FAMILY MEDICAL LEAVE POLICY (FMLA)

I. Policy Section

6.0 Personnel

II. Policy Subsection

6.14 Family Medical Leave Policy

III. Policy Statement

Grand Rapids Community College will abide by all regulations set forth under the Family Medical Leave Act and will grant up to 12 weeks of job-protected leave in a 12-month period for qualified medical reasons.

IV. Reason for Policy

FMLA requires covered employers (employers with 50 or more employees) to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- A. Incapacity due to pregnancy, prenatal medical care or childbirth
- B. To care for the employee's child after birth, or placement for adoption or foster care
- C. To care for the employee's spouse*, domestic partner**, son, daughter or parent, who has a serious health condition or
- D. A serious health condition that makes the employee unable to perform the employee's job
- E. Qualifying exigency leave for military service
- F. Military caregiver leave to care for an injured or ill service member or veteran

*Note: As of March 27, 2015, workers in legal, same-sex marriages, regardless of where they live, have the same rights as those in opposite-sex marriages to federal job-protected leave under the FMLA to care for a spouse with a serious health condition.

**Note: Effective January 1, 2016, the domestic partner program expands eligibility criteria for enrollment in specific Grand Rapids Community College's benefit plans. Under the Family Medical Leave Act (FMLA) domestic partners will be treated the same as spouses.

V. Entities Affected by this Policy

All eligible GRCC Employees that have worked 1,250 hours during the past 365 days

VI. Who Should Read this Policy

All GRCC Staff and Faculty

VII. Related Documents

www.grcc.edu/fmla

VIII. Contacts

Policy Owner: Human Resources Payroll & FMLA Coordinator
Executive Director of Human Resources
Human Resources Generalists
Director of Equal Opportunity Compliance

IX. Definitions

A. FMLA: Family and Medical Leave Act is a Federal law that provides “eligible” employees of a covered employer the right to take up to 12 workweeks of unpaid, job-protected leave, during any fiscal year. Eligible employees must have worked at least 1,250 hours over the previous 12 months.

B. Serious Health Condition(s): Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital.

2. Continuing treatment by a health care provider.

- i. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
- ii. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and

may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.

- iii. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
- iv. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
- v. Any continuing treatment by a health care provider, which includes a period of incapacity of more than three consecutive calendar days that results in a regimen of continuing treatment under the supervision of a healthcare provider (e.g., a course of prescription drugs, physical therapy). Unless complications arise, the common cold, flu, upset stomach, headaches, routine dental problems and cosmetic treatments do not meet the definition of a “serious health condition.”

C. Qualifying Exigency Leave: This leave applies to employees that are members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty. The qualifying exigency must be one of the following:

1. Short-notice deployment
2. Military events and activities
3. Child care and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities and
8. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

D. Covered active duty: A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.

E. Military Caregiver Leave: MCL, also known as covered service member leave, are leaves to care for an injured or ill service member or veteran. These leaves may extend up to 26 weeks in a 12-month period.

F. 12-Month Period Method: The College will measure the 12-month period as a fixed 12-month period measured at the beginning of each fiscal year (July 1 through June 30) each time an employee uses any leave under this policy.

Eligible employees may take up to twelve (12) weeks of leave during the 12-month Fiscal Year (July 1 through June 30) period for a purpose that qualifies for a leave under the FMLA Policy. For military caregiver leaves, the 12-month period is not defined by the employer under a calendar or fixed or rolling year, but rather is defined as a rolling year beginning on the first day of leave. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

X. Procedures

- A. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to Human Resources. When the need for the leave is foreseeable, the employee must provide Human Resources with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with GRCC's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- B. Within five business days after the employee has provided this notice, Human Resources will complete and provide the employee with the appropriate written notice of eligibility. In the event a qualified employee does not comply with GRCC's usual and customary notice and procedural requirements for requesting FMLA, and employer has enough information to determine that a period of incapacity of more than three consecutive days is for an FMLA qualifying reason, Human Resources will complete the appropriate documentation in its HRIS system, to designate leave as FMLA. Within five business days after the employee has submitted the appropriate certification form, the employee will be provided with a written response regarding their request for FMLA leave.
- C. Employee Status and Benefits during Leave:
 - 1. While an employee is on leave, the College will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
 - 2. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the

College will require the employee to reimburse the amount it paid for the employee's health insurance premium during the leave period.

3. Under current College policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium.
 4. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. It is the employees' responsibility to submit timely monthly payments directly to the Benefits office in order to continue coverage while on unpaid leave. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The College will provide 15 days notification prior to the employee's loss of coverage.
 5. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the College may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the College may discontinue coverage during the leave. If the College maintains coverage, we may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.
- D. Employee Status After Leave: An employee who takes leave under this policy, for their own serious health condition, will be asked to provide a fitness for duty (FFD) clearance from the health care provider. Notice of this requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. GRCC may choose to exempt certain key employees from this requirement and not return them to the same or similar position.
- E. Use of Paid and Unpaid Leave: An employee who is taking FMLA leave is required to use accrued but unused sick days to cover this period of absence. If the employee's FMLA leave continues after they have exhausted their available sick days, the remainder of the leave will be unpaid or they have the option to use accrued but unused vacation, personal business or compensatory time, or any available sick bank, if eligible. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the applicable contract or handbook provisions. Employees (CEBA, Meet

& Confer, APSS, Campus Police) who do not return to work and have used leave banks that are advanced will be responsible for reimbursing the College all unearned leave banks.

F. Intermittent Leave or a Reduced Work Schedule

1. The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).
2. The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.
3. For the birth, adoption or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
4. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the College before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

G. Intent to Return to Work from FMLA Leave: The College may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

XI. Forms

GRCC FMLA Request Form
Department of Labor Certification of Health Care Provider Form
FMLA Family Form
FMLA Employee Rights and Responsibilities

Department of Labor Employee Guide
Disability Accommodation Request Form

XII. Effective Date

July, 1994

XIII. Policy History

This policy was updated June 2013, May 2015, May 2017, May 2019 and June 2021 to ensure compliance with state and federal laws related to FMLA

XIV. Next Review/Revision Date

June, 2023