



# FAMILY AND MEDICAL LEAVE & PAID PARENTAL LEAVE

## I. POLICY

Salt Lake Community College recognizes that sometimes medical or family needs require extended time away from employment. To support our people in meeting these critical needs, Salt Lake Community College will provide family and medical leave for qualifying employees.

Salt Lake Community College's family and medical leave will provide protections in accordance with the Family and Medical Leave Act of 1993. Where appropriate and established as a model practice, Salt Lake Community College will support and protect qualifying employees beyond the requirements of the Family and Medical Leave Act of 1993.

This policy only covers family and medical as well as paid parental leave and the directly related benefits and protections. Additional leave options are available for employees who do not qualify for the Family and Medical Leave Act.

## II. REFERENCES

Family and Medical Leave Act (FMLA), 29 C.F.R. § 825.

## III. DEFINITIONS

See [Human Resources Definitions](#).

## IV. PROCEDURES

- A. Family and medical leave (FML) provides eligible employees options for taking a leave of absence for a serious health condition either for themselves or for a qualifying family member.
- B. An employee who misses four or more workdays for a health condition that requires treatment by a health care provider may be required to use FML leave and comply with all FMLA requirements.
- C. Eligibility for Family and Medical Leave
  - 1. An employee must be employed by the college for at least 12 months and have worked at least 1,250 hours during the 12 months before the leave start

date to be eligible for family and medical leave. The 12 months of employment does not need to be consecutive.

2. An employee may receive family medical leave for:
  - a. the birth or care of the employee's newborn child if the employee takes the leave within 12 months of the birth;
  - b. a child's placement with the employee for adoption or foster care;
  - c. the care of a spouse, domestic partner, child, parent, or parent-in-law who has a serious health condition;
  - d. a serious personal health condition that renders the employee incapable of performing the functions of the employee's job;
  - e. an emergency arising because the employee's spouse, domestic partner, child or parent is on active duty or is called to active duty (not including Reserve or National Guard annual training); or
  - f. the care of a current or retired member of the Armed Forces, who is a spouse, domestic partner, child, parent, parent-in-law, or next of kin and who is being treated for a serious injury or illness.

#### D. Confidentiality and Retaliation

1. Medical information obtained during the family and medical leave application process is kept confidential.
2. The FML coordinator will notify the employee's supervisor of restrictions or limitations.
3. Supervisors must not request additional information from the employee or share confidential information with co-workers.
4. A supervisor must be aware that disclosure is the sole prerogative of the employee.
5. Retaliation, in any form, for participation in an FML inquiry, FML application process, FML, or return from FML, is strictly prohibited.

#### E. Requesting Leave

1. Timely Notification

- a. If the need to take family and medical leave is foreseeable, an employee must:
  - (1) notify their immediate supervisor or the FML coordinator at least 30 days in advance of the employee's intention to begin a leave; or
  - (2) immediately notify their supervisor or the FML coordinator if the need arises less than 30 days before the leave is taken; and
  - (3) make a reasonable effort to schedule the treatment so that it does not unduly disrupt college operations.
- b. If the need for family and medical leave is unforeseeable or due to an emergency medical condition, the employee or their designee must notify the employee's supervisor or the FML coordinator as soon as possible under the circumstances.
- c. Supervisors who receive a request for potential family medical leave from an employee shall refer the employee to the FML coordinator.
- d. Upon receipt of an employee's intentions to take FML, the FML coordinator will:
  - (1) encourage the employee to notify the supervisor of the employee's intentions to take FML; and
  - (2) under most circumstances, notify the supervisor as to the possibility of an employee's plans to take FML; and
  - (3) coordinate with and support supervisors to develop a plan for coverage during the leave period.

## 2. Application for Family and Medical Leave

- a. An employee requesting family and medical leave must complete a family and medical leave application.
- b. If an employee is requesting family and medical leave for themselves, the employee must provide medical certification for serious health conditions to verify the reasons for the leave request. The medical certification must be from the employee's licensed medical provider and must:

- (1) appropriately document the medical condition;
  - (2) give the date the condition began;
  - (3) state the probable duration of the condition; and
  - (4) provide the dates and the duration of any planned treatment.
- c. If the leave is for an intermittent or reduced leave schedule, the certification must include:
- (1) the expected duration of such leave;
  - (2) a statement that the employee is unable to perform the employee's full duties; and
  - (3) a statement of the medical necessity for intermittent leave or a reduced work schedule
- d. If an employee is requesting family and medical leave for any person listed in IV.C.2.c, the medical documentation must:
- (1) be from that person's licensed medical provider;
  - (2) include a statement that the employee is needed to care for a covered family member; and
  - (3) provide the dates and the duration of any planned treatment the employee needs to support.
- e. Failure to provide notification and appropriate medical certification within 15 days of the request may result in delayed approval.
- f. Employees approved for family and medical leave should not perform job-related duties while on leave.
- g. Supervisors that need to contact an employee on leave must coordinate all communications, except good-will and get-well messages unrelated to work or to specific health conditions, through the FML coordinator. Employees may opt out of all communication from their supervisors by communicating with the FML coordinator during the application process.

### 3. SLCC's Right to Verify

- a. For all requests for family medical leave resulting from an employee's serious health condition, the college reserves the right to request a second medical opinion at the college's expense.
- b. If the two opinions conflict, a third opinion may be necessary at the college's expense.
- c. An employee who obtains leave fraudulently may be subject to disciplinary action, may be liable for the college's portion of insurance premiums paid during the leave period, and will not be protected by the FMLA's job restoration and maintenance of health benefits provisions.
- d. The college may request recertification if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the college receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification

### F. Length of Leave

1. Eligible employees may take up to 12 weeks of continuous or intermittent family medical leave during a rolling calendar year for serious health conditions.
2. Employees may take up to 26 weeks of military caregiver leave during any 12 consecutive months to care for a spouse, domestic partner, child, parent, parent-in-law, or next of kin, who is an eligible service member or covered veteran.
3. Any request for unpaid leave beyond 12 or 26 weeks, respectively, must be requested jointly by the employee and the employee's supervisor. The appropriate cabinet member must approve unpaid leave according to the Leave of Absence Without Pay policy.
4. If both parents are qualifying college employees and leave is for the birth, placement, or adoption of a child, both parents will each receive up to 12 weeks of family medical leave.
5. If the child has a serious health condition, both parents may each take the full 12 weeks of leave to care for the child with proper medical documentation, as described in subsection IV.C.2.

## G. Intermittent Leave and Reduced Work Schedule

1. When it is medically necessary, qualifying employees may take FMLA leave intermittently – taking leave 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.
2. When an employee needs leave for planned medical treatment, the employee must make a reasonable effort to schedule treatment that does not unduly disrupt the college’s operation.
3. Leave to care for or bond with a newborn child or for a newly placed adopted or foster child may only be taken intermittently if both the FML coordinator and the employee’s supervisor approve and must conclude within 12 months after the birth or placement.

## H. Qualifying Military Exigency Leave

1. As defined in section IV.C.2.e., employees with a spouse, domestic partner, son, daughter, parent, or parent-in-law on active duty or on-call status in the National Guard or Reserves may use the family and medical leave 12-week leave entitlement to address certain qualifying exigencies.
2. Qualifying exigencies may include:
  - a. attending certain military events;
  - b. arranging for alternative childcare;
  - c. addressing financial and legal arrangements;
  - d. attending counseling sessions; or
  - e. attending post-deployment reintegration briefings.

## I. Substituting Sick leave and Vacation

1. Family and medical leave is unpaid leave. When taking family and medical leave, the employee must use any accrued sick and vacation leave to cover the leave period.
2. If an employee does not have enough sick and vacation leave to cover the entire family and medical leave need, the remaining family and medical leave time taken will be unpaid.

3. In the case of faculty employees granted family and medical leave, the college may extend the leave to the end of the current semester.
4. Sick and vacation leave will not accrue during the unpaid portion of a family and medical leave.
5. The appropriate academic administrator will coordinate any change in a faculty member's work schedule.

J. Paid Parental Leave for Birth, Adoption, or Foster Care Placement of a Child

1. Eligible employees will receive eight weeks of paid parental leave at their normal rate of pay upon the birth, adoption, or foster care placement of a new child.
2. To be eligible for a paid parental leave benefit, an employee must:
  - a. be a full-time employee who qualifies for benefits and employed for at least six months;
  - b. have a child that was born, adopted, or placed on or after the approval of this procedure; and
  - c. complete an application and be approved for paid parental leave.
3. Employees can use parental leave in any approved increments within 12 months of the birth, adoption, or foster care placement of a new child.
4. If both parents are qualifying college employees, both parents may each take the full eight weeks of paid parental leave, independent of one another.
5. Approved paid parental leave will run concurrently with family and medical leave for qualified employees; paid parental leave does not extend the amount of leave provided under the Family and Medical Leave Act.
6. Employees must take paid parental leave within 12 months of the birth, adoption, or foster care placement of a child.
7. Unused approved parental leave will not be paid out upon termination.

#### K. Benefits During Leave

1. The college will continue to pay medical, dental, vision, life, and long-term disability insurance benefits during the family medical leave period under the same terms and conditions as when an employee went on leave.
2. If the leave is unpaid, the employee must make arrangements with the Human Resources benefits office to pay the employee's portion of the medical or dental insurance premium.
3. The employee must also make arrangements with the Human Resources benefits office to pay other insurance premiums such as supplemental life, AD&D, FSA, HSA, etc. The employee can elect to have funds deducted from the employee's pay before or immediately following the leave.
4. The employee will not accrue any employee benefits, such as sick or vacation leave during a period of unpaid family medical leave.

#### L. Full-Time Faculty Members on Leave

1. Full-time faculty members are eligible for family and medical leave if they have been employed by the college for at least 12 months (which do not need to be consecutive) and have taught at least 15 instructional units in the two semesters immediately before the leave start date.
2. Full-time faculty members who work a reduced schedule in the semester immediately prior will have their family and medical leave prorated for the current semester.
3. Before taking a continuous family and medical leave for two weeks or more, faculty employees who are tenure-track or post-tenure must complete and submit the Request to Review for Extension of Pre-Tenure Probationary Period/Post Tenure Evaluation form to Human Resources.

#### M. Other Leave Options

1. Employees who receive benefits and who do not meet the eligibility requirements for a family medical leave or who have exhausted family and medical leave may be eligible for other options including accrued sick and vacation leave, sick leave pool, advance sick leave, leave without pay, or ADA Leave. Please contact the Human Resources office for more details.



#### N. Return to Work

1. Following a family and medical leave or paid parental leave, employees will return to the same or an equivalent position, status, benefits, and pay as the employee held when the leave began.
2. Salt Lake Community College does not guarantee employees will return to their original job.
3. The assistant vice president of Human Resources or designee will determine whether a position is an equivalent position. Supervisors may appeal equivalency decisions through the appropriate cabinet member to the institutional president. The cabinet member determines whether to forward to matter to the institutional president but cannot reverse the decision of Human Resources. If an appeal is made, both the cabinet member and Human Resources will each submit a written rationale to the president.
4. The college may require a fitness for duty certification from the appropriate medical provider, and, if required, must be received by the FML coordinator before the employee returns to work.
5. If, after six months of leave, an employee cannot return to work, the college may separate the employee from employment due to unavailability.
  - a. Separation from employment due to unavailability is not corrective action.
  - b. Separation from employment due to unavailability does not exclude the employee from applying for certain benefits such as long term-disability or COBRA.

#### O. Documented Performance Issues

1. Supervisors will address performance issues documented before an employee takes family medical leave but unrelated to the employee's family and medical leave absence when the employee returns from leave.
2. Supervisors will address performance issues discovered during the family and medical leave upon the employee's return.
3. Employees on leave or returning from leave will be subject to workforce reducing circumstances outlined in the Reduction of Force, Payment in Lieu of Notice, and Bona Fide Financial Exigency policy.

P. Worker's Compensation

1. Risk Management administers the college's Workers' Compensation program. Workers' Compensation benefits may be coordinated with family and medical leave, sick leave, or sick leave pool by corresponding with Risk Management.

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Date of last cabinet review: June 2, 2020

The originator of this policy & procedure is Human Resources. Questions regarding this policy may be directed to the originator by calling 801-957-4210.