

BUSINESS SERVICES
FAMILY AND MEDICAL LEAVE
CHAPTER 2
POLICY 4.13

Board of Trustees Approval: 8/8/12
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I. POLICY

Salt Lake Community College will provide employee leave in accordance with the Family and Medical Leave Act of 1993. Provisions include time away from work for serious health conditions of a personal or family nature, for early childhood rearing, qualifying exigency leave, and military care giver leave. The College will provide up to 12 workweeks of unpaid Family and Medical Leave to eligible employees who have been employed at least one year and who have worked a minimum of 1,250 hours during the preceding 12 month period. Employees shall be entitled to a total of 26 workweeks of leave during a 12 month period for military care giver leave.

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I. REFERENCES

- A. SLCC Policy Chapter 2, Section 2.01, Employee Definitions and Categories
- B. SLCC Policy Chapter 2, Section 4.06, Leave of Absence Without Pay
- C. SLCC Policy Chapter 2, Section 4.07, Vacation Leave
- D. SLCC Policy Chapter 2, Section 4.08, Sick Leave
- E. SLCC Policy Chapter 2, Section 3.08, Reduction in Force (Non-Faculty)
- F. SLCC Policy Chapter 2, Section 3.11, Bona Fide Financial Exigency
- G. SLCC Policy Chapter 2, Section 4.01, Employee Benefits Eligibility
- H. 29 C.F.R. Part 825, Family and Medical Leave Act of 1993 (FMLA)
- I. SLCC Policy Chapter 2, Section 4.16, Sick Leave Pool

II. DEFINITIONS

- A. Eligible Employee. An individual who has been employed by the College for at least 12 months/52 weeks (which do not need to be consecutive) and has worked at least 1,250 hours during the 12 month/52 week period before the leave is to begin.
- B. Parent. The biological parent of an employee, an employee who has day-to-day responsibility for caring for a child, or an individual who stood in place of the parent to that employee.
- C. Child. A biological, adopted, or foster child; a step child; a legal ward; or a child of a person “standing in the place of a parent” where the child is under 18 years of age, or 18 and older and incapable of self-care because of mental or physical disability.
- D. Spouse. A husband or wife as defined or recognized under Utah State law.
- E. Domestic Partner. A person with whom the employee meets the following criteria: (a) both are at least 18 years of age or older; (b) are recognized as unmarried in the State of Utah; (c) mentally competent to consent to this partnership; (d) not related by

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- blood in the way that prohibits lawful marriage; (e) share the same primary residence and have been in a mutually exclusive relationship for at least the last six (6) months, and have plans to continue this arrangement on an indefinite basis; and (f) are jointly responsible for the common welfare of each other and share financial obligations.
- F. Intermittent Leave. Family and Medical Leave not taken continuously but in separate periods of time for, (1) the birth, adoption or placement of a child if agreed to by both employee and the College, and (2) for a serious health condition without College approval, if certified by a medical practitioner as medically necessary.
- G. Reduced Leave. A work schedule that reduces the usual number of hours per workweek or hours per workday of an employee.
- H. Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves: (a) any inpatient care, (b) any incapacity lasting more than 3 calendar days which requires continuous treatment by a health care provider, (c) prenatal care.

III. PROCEDURE

- A. Eligibility. An employee must be employed by the College for at least 12 months/52 weeks (which do not need to be consecutive) and has worked at least 1,250 hours during the 12 month/52 week period before the leave is to begin. Family and Medical Leave will be granted for one or more of these reasons:
1. The birth and/or care of the employee's newborn child (if leave is taken within 12 months of the birth);
 2. A child's placement with the employee for adoption or foster care;
 3. To care for a spouse, domestic partner, child, or parent who has a serious health condition;
 4. A serious personal health condition that renders the employee incapable of performing the functions of their job;
 5. A qualifying exigency when a spouse, domestic partner, child or parent is on active or called to active duty in the National Guard or reserves in support of a contingency operation to address certain qualifying exigencies;

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6. Military care giver.

- B. Requesting Leave. If the need to take Family and Medical Leave is foreseeable, an employee must notify the immediate supervisor or Human Resources within 30 days of their intention to begin a leave. The supervisor must immediately notify Human Resources of the employee's request for Family and Medical Leave. If the leave is foreseeable and based on a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt College operations.

If the need for Family and Medical Leave is unforeseeable or due to an emergency medical condition, the employee's supervisor or Human Resources must be notified as soon as possible under the circumstances. The supervisor must immediately notify Human Resources of the employee's request for Family and Medical Leave.

- C. Confidentiality. Medical information obtained during the FML application process is kept confidential. Supervisors will be notified of restrictions or limitations. Supervisor's should not request additional information from the employee or share confidential information with co-workers. A supervisor must be aware that disclosure is the sole prerogative of the affected employee.

An employee requesting Family and Medical Leave must complete a College Application for Family and Medical Leave and provide a medical certification for serious health conditions to verify the reasons for the leave request. This certification from the medical practitioner of the employee, spouse, domestic partner, parent or child requires: the date the condition commenced, the probable duration, appropriate medical documentation regarding the condition, a statement that the employee is needed to care for a covered family member or a statement that the employee is unable to perform the functions of his or her own position, dates and duration of any planned treatment, and a statement of the medical necessity for intermittent leave or leave on a reduced leave schedule and expected duration of such leave.

For all requests for Family and Medical Leave resulting from a serious health condition, the College reserves the right to request a second medical opinion at College expense. If the two opinions conflict, a third opinion will be necessary at College expense. Failure to provide notification and appropriate medical certification within 15 days of the request may result in delayed approval.

- D. Length of Leave. Each employee may be granted Family and Medical Leave for a period up to 12 weeks during the fiscal year, except where both spouses/domestic

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partners work for the College. In this case, the spouses/domestic partners are limited to 12 weeks of leave in total if the leave is for birth, adoption, or placement of a child, or to care for a parent with a serious health condition. Family and Medical Leave taken for the serious health condition of either spouse, domestic partner or their child entitles each spouse/domestic partner up to 12 weeks of Family and Medical Leave during the fiscal year.

Military caregiver leave is available to an eligible employee who is the spouse, domestic partner, son, daughter, parent or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the servicemember. Eligible employees may not take leave under the military caregiver provision to care for former members of the Armed Forces or members who are on the permanent disability retired list.

Any request for unpaid leave beyond 12/26 weeks must be requested jointly by the supervisor and employee. It must be approved by the appropriate cabinet member according to College policy.

E. Intermittent Leave/Reduced Work Schedule. Employees eligible for Family and Medical Leave may work a reduced schedule or receive periodic time off when:

1. It is medically necessary for the treatment or care of an employee, spouse, domestic partner, child, step-child or parent of the employee who has a serious health condition. A medical certification completed by the applicable health care provider will be required. This certification must state the date on which the health condition commenced, the probable duration, and the appropriate medical facts regarding the condition.
2. Caring for a newborn, newly adopted or newly placed foster child if the College agrees to the arrangement following a review by the supervisor of the individual circumstances.

Family and Medical Leave taken on an intermittent or reduced scheduled basis is approved on a fiscal year basis. Accordingly, no such leave will be approved for a period that continues beyond the end of the fiscal year.

F. Qualifying Exigency Leave. Eligible employees with a spouse, domestic partner, son, daughter, or parent on active duty or on call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending

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certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- G. Substituting Vacation and Sick Leave. Family and Medical Leave may be unpaid leave. If Family and Medical leave is requested for the birth, placement, or adoption of a child, the employee must use any accrued vacation. However, if Family and Medical Leave is requested for a serious personal health condition, including personal illness from birth of a child, the employee must first use accrued sick leave then vacation leave. If Family and Medical Leave is requested to care for a spouse, domestic partner, child, or parent who has a serious health condition, the employee must first use any accrued sick leave and then vacation leave. If any Family and Medical Leave remains, the leave period then will consist of unpaid Family and Medical Leave.

In the case of faculty employees, arrangements may be made to help accommodate care of a new child in the family, or serious health condition, by use of any applicable provisions of this policy as well as any additional procedures arranged by faculty members and supervisors. The College will grant 12 weeks and will automatically extend the leave up to the end of the term (18 weeks) in which the leave began; whichever is greater, pending medical certification and review. Any change in the term work schedule must be approved by the appropriate academic administrator.

Vacation and sick leave will not accrue during the unpaid portion of a Family and Medical leave.

- H. Benefits During Leave. The College will continue to pay medical, dental, life and long term disability insurance benefits during the Family and Medical Leave period under the same terms and conditions as were in place before the employee went on leave. If the leave is unpaid the employee must make arrangements with the Human Resources office to pay the employee's portion of the medical, dental, life, or long term disability insurance premium as appropriate. The employee will not accrue any employee benefits such as sick leave or vacation leave during the period of unpaid Family and Medical Leave.

The employee must return and work thirty (30) days before the employee's obligation to reimburse the College for the employer's portion of the insurance premium is eliminated. In the event that an employee fails to return from Family and Medical

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Leave, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless:

1. The employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee, domestic partner or family member; or
 2. The failure to return stems from circumstances beyond the control of the employee.
- I. Return to Work. Following a Family and Medical Leave of absence, employees will be returned to the same or an equivalent position, status, and pay, held when the leave began, subject to College policies dealing with workforce reducing circumstances. Salt Lake Community College cannot guarantee an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by Salt Lake Community College. A fitness for duty certification may be required from the appropriate physician, and must be received by HR prior to the employee returning to work.