

**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

<p>TITLE: Family and Medical Leave</p>	<p>NUMBER: 04-40</p>
<p>AUTHORITY: Florida Statute: 1001.64, 1001.65 Florida Administrative Code: 6A-14.0261</p>	<p>SEE ALSO:</p> <ul style="list-style-type: none"> • Board Policy 04-28 and Administrative Procedure 04-28AP: Annual Leave • Board Policy 04-29 and Administrative Procedure 04-29AP: Sick Leave • Board Policy 04-32 and Administrative Procedure 04-32AP: Leave of Absence without Pay • Board Policy 04-38 and Administrative Procedure 04-38AP: Maternity Leave • Board Policy 04-39 and Administrative Procedure 04-39AP: Parental Leave
<p>DATE ADOPTED: 12/01/97; Revised 11/22/10</p>	

In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible faculty and staff may use up to a total of twelve (12) weeks of leave per twelve month period with the right of returning to employment without prejudice on expiration of the leave under the following conditions:

1. To care for the employee's child in the first twelve (12) months after childbirth;

2. To care for a child placed with the employee for adoption or foster care within the first twelve (12) months of the placement;
3. To care for an employee's spouse, child, or parent who has a serious illness, impairment, or physical or mental condition that involves inpatient hospital care, hospice, a residential medical care facility, or continuing treatment by a health care provider;

Written certification from a qualified health care provider is required and must explain the family member's medical condition and include a statement that the employee is needed for this care with an estimate of the time needed.

Child is defined as "a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis* who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability."

Parent is defined as "the biological parent of the employee or an individual who stood in *loco parentis* to the employee." This does not include the parent of the employee's spouse.

4. For a serious health condition of the employee where the employee is unable to perform the functions of the job.

Written certification from a qualified health care provider is required and must explain the employee's medical condition and include a statement that the employee is unable to perform the functions of the job as outlined in the approved position description.

5. Any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of an impending call or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a "contingency operation." This does not apply to employees who have family members in the regular Armed Forces (their job).
6. A period of 26 workweeks to care for a spouse, child, parent or next of kin who is a service member undergoing medical treatment, recuperation or therapy, is on out-patient status, or is on the temporary disabled retired list for a serious injury or illness.

The injury or illness must have been incurred by the member in the line of duty while on active duty in the Armed Forces that renders the member medically unfit to perform the duties of his or her office, grade, rank or rating.

Written certification from a qualified health care provider is required and must explain the family member's medical condition and include a statement that the employee is unable to perform the functions of the job as outlined in the approved position description.

Twelve (12) month period is defined as the twelve (12) month period measured forward or backward from the first day of approved FMLA leave.

Any leave requested under the Family and Medical Leave Act must be authorized by the College either prior to or during the leave. The College may request progress reports from the employee during the authorized leave concerning either the medical condition or the potential date of the employee's return to duty.

A. Eligibility

To be eligible, an employee must have been employed at the College for at least twelve (12) months and must have worked a minimum of 1,250 hours at the College during the twelve calendar months preceding the leave.

If a husband and wife are both employed at the College, FMLA leave for the birth or placement of a child or to care for a sick parent is limited to no more than a combined total of twelve (12) weeks during the twelve month period.

B. Advance Notice

A written notice at least thirty (30) days in advance is recommended for foreseeable leaves for birth, adoption, or planned medical treatment. When advance notice is not possible, verbal notice must be given to the supervisor in the same manner as sick leave notification.

C. Medical Certification

Written medical certification is required as explained in #3, #4 and #6 above. The certification must be provided within fifteen (15) days of the employee's request to use leave under FMLA. The College may require an employee to obtain a second medical opinion from a health care provider designated by the College at the expense of the College.

If the opinions of the first and second health care providers differ, the College may require the employee to obtain certification from a third health care provider at the expense of the College. The third medical opinion shall be final and binding. The third health care provider shall be designated or approved jointly by the employee and the College. If the employee does not attempt in good faith to reach agreement on the third health care provider designation, the employee shall be bound by the second medical certification.

Also, written medical certification of fitness for duty is required to return to work when leave is due to personal injury or illness.

D. Taking the Leave

All available leave must be used concurrent with FMLA. Leave Without Pay will only be granted once ALL available leave has been exhausted. The immediate supervisor and the employee shall schedule an appointment with appropriate Human Resources Department staff for eligibility determination.

For the birth or placement of a child, the leave must be taken all at one time unless otherwise approved by the College. For #3, #4 and #6, the leave may be taken intermittently or on a reduced time basis if necessary for medical reasons. "Reduced time basis" means an appropriate reduction in the scheduled number of work hours for the employee per work week or work day. Planned medical treatment or leave taken on an intermittent basis or by a reduced schedule must be scheduled in such a way as to create minimum disruption to the College.

E. Health Insurance

The College shall continue to provide health insurance for the employee who is using FMLA even if the employee is in leave-without-pay status for an entire pay period. The employee shall continue to pay any part of the health insurance premium on the same basis as if the employee were actively at work. If the employee fails to make timely premium payments (within thirty days after the due date), the College may discontinue that portion of the health coverage.

If the employee fails to return to work at the end of the leave due to reasons other than health conditions or other circumstances beyond the control of the employee, the College will charge the employee retroactively for the cost of College-paid health insurance for any pay period the employee is in leave-without-pay status for the entire month.

F. Qualified Health Care Providers

Qualified health care providers are limited to doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors, nurse practitioners, nurse-midwives, and Christian Science practitioners. The College may require a second or third opinion from health care providers other than Christian Science practitioners.

Although the required medical certification must come from a qualified health care provider, the employee may elect to receive medical care from a health professional who is not qualified under FMLA.