

Family and Medical Leave Policy

Employees who have worked for Kellogg Community College (College) at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave (FMLA Leave) in each fiscal year for the following reasons:

1. Birth and/or care of a child of the employee
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition; or
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition.

The right to family leave for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted. If both spouses are employed by the College, the combined leave shall not exceed twelve (12) weeks.

For the purposes of this policy, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital, hospice or residential medical care facility;
2. any period of incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider, or
3. continuous treatment by or under the supervision of a health care provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or prenatal care.

In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hour basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the College has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees may use their available vacation time during the twelve (12) week family leave period and available sick days may be used for personal illness. If leave is taken for the illness of a family member, paid sick leave may be taken as provided in the applicable collective bargaining agreement.

When necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the College at least thirty (30) days notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the College, the employee must provide such notice as soon as possible. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

1. Give at least thirty (30) days notice, or as soon as practical if treatment starts in less than thirty (30) days; and
2. Make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the College, subject to the approval of the healthcare provider.

Where the need for leave is foreseeable, the employee must give notice as soon as practical. Any leave request based on a family member's or employee's own serious health condition must be supported by certification to the College in a timely manner. (Fifteen calendar days will be allowed to provide the certification/forms available at the Compensation office.) Certification from the healthcare provider must contain:

1. The date the serious health condition began;
2. The possible duration of the condition;
3. The appropriate medical facts regarding the condition;
4. If the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
5. If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job; and
6. In the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given, and the duration of the treatment.

The College may request recertification at any reasonable interval, but not more often than every 45 days, unless:

1. The employee requests an extension of leave;
2. Circumstances described in the original certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or
3. The College receives information that casts doubt upon the continuing validity of the certification.
4. When an employee is unable to return to work after FMLA leave because of the continuation, recurrence, or onset of a serious health condition, thereby preventing the College from recovering its share of health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the College may require medical certification of the employee's or in the family member's serious health condition.

During family leaves of absence, the College will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premium. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the College for payment of the health insurance premiums during the family leave, UNLESS the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During the unpaid leave, the employee shall not accrue employment benefits such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the date on which the family leave of absence begins will not be lost.

The College may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave.

Employees who return to work from family leave of absence within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Procedure

Applications for family leave of absence must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days notice is not possible. Appropriate forms must be submitted to the Compensation Office to initiate a family leave and to return the employee to active status.