

CARBON CAREER & TECHNICAL INSTITUTE

SECTION: CLASSIFIED EMPLOYEES

TITLE: FAMILY AND MEDICAL
LEAVES

ADOPTED: August 17, 2006

REVISED:

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535. FAMILY AND MEDICAL LEAVES	
1. Authority	Authority The Carbon Career & technical Institute Joint Operating Committee shall provide eligible support employees with unpaid leaves of absence in compliance with the Family and Medical Leave Act, hereinafter referred to as FMLA.[1][2] Employee requests for FMLA leave shall be processed in accordance with law, Joint Operating Committee policy and administrative regulations.
2. Delegation of Responsibility	Delegation of Responsibility The Administrative Director or designee shall develop and disseminate administrative regulations to implement FMLA leave for eligible employees. The school shall post, in conspicuous places in the school customarily used for notices to employees and applicants, a notice regarding the provisions of the FMLA and the procedure for filing a complaint.[3] Employee requests for leave, both FMLA and Non-FMLA, shall be submitted in writing on a school form to the Administrative Director.
3. Guidelines	Guidelines Employees' eligibility for FMLA leave shall be based on the criteria established by law.[4][5] Eligible employees shall be provided up to twelve (12) workweeks of unpaid leave in a twelve-month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for a seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to a member of the Armed Forces alerted for foreign deployment or during foreign deployment.[5] Eligible employees shall be provided up to twenty-six (26) workweeks of unpaid leave in a single twelve-month period to care for an ill or injured covered service member.[5]

	All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a school form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave. It is recommended that any employee who exceeds ten (10) consecutive sick leave days to request an FMLA leave if they believe they will be in need of an extended sick leave, paid or unpaid. Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA. If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under an individual contract, collective bargaining agreement, Joint Operating Committee policy or statutory mandate, the employee will utilize such leave concurrent with the FMLA leave.[5] Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of an individual contract, or collective bargaining agreement, or where the employee has taken a paid leave concurrent with the FMLA leave and Joint Operating Committee policy and school practice has not required a fitness-for-duty certificate to be provided. For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the school shall utilize a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.[6] Intermittent FMLA leave or leave on a reduced schedule may be taken for a serious health condition where this is medically necessary and documented. Intermittent leave may not be taken for the birth of a child or for placement of a child for adoption or foster care. When intermittent FMLA leave is needed to care for a family member or for the employee's own treatment, the employee must attempt to schedule treatment/appointments at a time as to not disrupt the school's operations unduly. An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition, when: 1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures).
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2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.

Legal

1. 29 U.S.C. 2601 et seq

2. 29 CFR Part 825

3. 29 U.S.C. 2619

4. 29 U.S.C. 2611

5. 29 U.S.C. 2612

6. 29 CFR 825.200

Pol. 813