



COLLEGE of CENTRAL FLORIDA
ADMINISTRATIVE PROCEDURE

Title: Family and Medical Leave Act	
Page 1 of 2	Implementing Procedure For Policy # 6.14
Date Approved: 02/02/04 Date Revised: 07/25/06 Date Revised: 08/07/09	Division: Administration and Finance/Human Resources

Family and Medical Leave Act, (FMLA). Congress enacted the FMLA in 1993, with final regulations becoming available in 1995. The law was further revised 01/16/2009. This revision implements two (2) important military family leave entitlements for eligible specified family members. Under this federal law, eligible employees (those with 12 months of cumulative service and has worked at least 1,250 hours at the College during the 12 month period preceding the date the FML begins) are entitled upon request to a total entitlement (not per event) of 12 workweeks of leave without pay in a 12-month period when an employee becomes a biological parent; when a child is placed in his or her home pending adoption; for foster-care purposes; when an employee needs to care for his or her parent, spouse, or child (who is either under age 18, or age 18 or older and incapable of self-care because of a documented mental or physical disability) with a serious health condition; and/or when the employee has a serious health condition. The Rolling Look-Back year (a period of 12 months measured backward from the date the proposed leave is to begin) is considered the leave year.

Leave may be taken **intermittently** (such as for periodic medical treatments like chemotherapy) **or in a block of time** or if the employer agrees, **by working part time** (such as just after a child's birth or while recovering from a serious health condition). In any case, the employee must submit leave forms indicating FMLA leave for the time taken, and the FMLA leave will run concurrently with paid Sick Leave and/or Vacation Leave.

Once it has been determined that the employee is in need of FMLA leave he/she should do the following:

1. Give CF (Supervisor and Human Resources) 30 days' notice of intent to take leave when you know in advance that you'll need it, or as much notice as possible when you need leave for an unforeseen reason. Contact Human Resources to notify of the need and request the necessary paperwork.
2. Complete the Employee Sections of the Leave Request Form under FMLA, have his/her supervisor complete the Supervisor section, and return the document to Human Resources.
3. Take the Certification of Health Care Provider (Form WH-380-E [self] or, WH-380-F [family member]) to the physician or other health care provider for completion. This form must be completed and returned to Human Resources within 15 days.
4. Upon receipt of the Leave Request Form under FMLA, Human Resources will complete the Designation Notice Form WH-382 and return it to the employee authorizing the leave within 5 days of receiving the request for leave.
5. During FMLA that is taken in a block of 12 weeks, the employee will be required to return a Status Reporting Form to Human Resources at least once a month.
6. Once the reason for FMLA leave ceases, the employee is required to return to work under the FML law.
7. During your leave, CF will continue to pay for 60 days, two (2) months of insurance coverage for you. If you have family coverage, you will have to make arrangements with payroll to cover those insurance premiums. If you fail to make a payment or if a payment is more than 30 days late, your health plan will be dropped while you are on leave. Upon your return to work, the coverage will be reinstated, provided there is not a 63-day break in coverage. (This can and does happen occasionally when the 60 days of leave is

spread over 3 months). If your coverage is terminated due to non-payment, you will receive a COBRA election form to elect coverage.

- 8. If you are absent on sick leave for 3 or more days, you will be put on FMLA as of the fourth (4th) day to run concurrently with the sick leave. Notification to Human Resources should be provided by you, your representative, or your supervisor.
- 9. While you are on FMLA **running concurrently** with Sick and/or Vacation Leave, you will continue to accrue sick and vacation time. Once you are on **unpaid time**, there will be no accrual of sick or vacation leave.
- 10. Section 585(a) of the National Defense Authorization Act amended the FMLA to provide two additional leave entitlements:
 - a. **Military Caregiver Leave (also known as Covered Servicemember Leave):** Under the first of these additional military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a “single 12-month period” to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. This 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.
 - b. **Qualifying Exigency Leave:** The second additional military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for “any qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department’s final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
 - c. The final rule also includes two new Department of Labor certification forms that may be used by employees and employers to facilitate the certification requirements for the use of military family leave.

Vice President, Administration and Finance

Date

Approved by President

Date