

ROCKY MOUNTAIN COLLEGE
ADMINISTRATIVE POLICY

SECTION: Human Resources

NUMBER: A-001-05-0002

AREA: Leave Policies

DATE: 09/01/2010

SUBJECT: Family and Medical Leave

REVIEWED: 03/28/2022

I. PURPOSE

The Family and Medical Leave Act of 1993 (FMLA) became effective August 5, 1993. It applies to employers with fifty (50) or more employees within a seventy five (75) mile radius. The policy of this company is to balance the demands of the work place with the needs of families of employees by allowing an eligible employee to take reasonable leave for legitimate medical reasons in conjunction with the regulations of the Act.

II. POLICY

Eligibility Requirements

- A. Employee must have been employed by Rocky Mountain College for at least twelve (12) months.

- B. The employee must have worked at least 1,250 hours with Rocky Mountain College during the previous twelve (12) month period.

Reasons for Leave

- A. FMLA provides that an eligible employee (see above) shall be entitled to a total of twelve (12) weeks of unpaid leave during a twelve (12) month period for any of the following reasons:
 - 1. To care for the employee's child after birth, or placement for adoption or foster care;
 - 2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
 - 3. Because of a serious health condition that makes the employee unable to perform the employee's job.

For purposes of this policy, a "serious health condition" is an illness, injury, or physical or mental condition involving in-patient care or continuing treatment by a health care provider.

Length of Allowable Leave

- A. FMLA leave may be approved for a maximum of twelve (12) weeks in a twelve (12) month period. For purposes of this policy, the twelve (12) month period will be measured for FMLA purposes as the twelve (12) month period measured forward from the date any employee's first FMLA leave begins.

- B. Spouses who are both employed by the company are allowed a combined total of twelve (12) weeks of FMLA leave within a twelve (12) month period for the care of a newborn or adopted child, to care for the illness of a child, or to care for a parent with a serious health condition. If leave is requested due to the illness of the other spouse, each spouse is allowed twelve (12) weeks of leave.

- C. Leave to care for a newborn or a newly adopted child should normally be taken in continuous periods and must be taken within twelve (12) months of the birth or placement of the child. Intermittent leave or reduced schedules may not be taken to care for a newborn or a newly adopted child.

Intermittent and Reduced-Schedule Leave

- A. In the case of a serious health condition of a family member, employees may request leave in continuous periods, intermittent periods, or by a reduced work schedule, to a total of twelve (12) weeks. In cases of reduced schedules or intermittent leave, a department supervisor may transfer the employee temporarily to an alternative position to accommodate the needs of the work area. In such situations, the employee's salary rate and benefits will remain the same.

Notice of FMLA Leave

- A. When the need for family/medical leave is foreseeable, an employee must give the College at least thirty (30) days prior written notice. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to notify the Human Resource Department as soon as practicable, generally within one or two business days of learning of your need for leave. Requests for family/medical leave forms available in the Human Resources Department. Employees should use these forms when requesting leave.

Medical Certification

- A. When an employee is requesting leave because of a personal or covered family member's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. Employees may obtain Medical Certification Forms from the Human Resources Department. The medical certification must be given within fifteen (15) days after it is requested, or as soon as reasonably possible under the circumstances. Failure to provide

requested medical certification in a timely manner may result in denial of leave until it is provided. In its discretion and at its own expense, the company may require a second medical opinion, and if the first and second opinions differ, a third medical opinion. The third opinion will be provided by a health care provider approved jointly by the employee and the organization and will be binding. The company may also require recertification periodically during a leave, and the employee is required to present a fitness-for-duty certification upon return to work following a leave for personal illness.

Medical and Other Benefits

A. During the leave, the College will maintain employee health benefits the same as if the individual had continued working. When paid leave is substituted for unpaid family/medical leave, the organization will deduct the employee portion of the health plan premium as a regular payroll deduction. When the leave is unpaid, the employee must make arrangements with the Human Resource Department to pay a portion of the monthly premium. Group health care coverage may be terminated if premium payments are more than thirty (30) days late. Additionally, if employee fails to return from leave, the Company may require repayment of any premium that was paid for maintaining health coverage, unless the employee does not return because of a continuing or recurring serious health condition, or because of other circumstances beyond the employee's control. Employees are not entitled to other benefits or seniority accrual during the leave.

Use of Vacation or Sick Leave during FMLA Leave

A. The employer requires that the employee substitute any accrued, unused vacation leave, personal leave, or, in the case of the employee's own serious health or maternity condition, accrued sick leave as part or all of the twelve (12) week period. Under this leave, substitute means both types of leave run simultaneously.

Reporting While on Leave

A. The College may require employees to report periodically during FMLA leave on their status and intent to return to work.

Conditions of Return from FMLA Leave

A. At the completion of the approved leave period, an employee will be reinstated to his or her former position or a position of equivalent classification and pay within the College.

III. REVIEW AND RESPONSIBILITIES

Responsible Parties: Human Resource Department

Review: As deemed as appropriate

IV. APPROVAL

Approved: _____ Date: _____
President

Approved: _____ Date: _____
Chair / Board of Trustees

V. INDEXING TERMS

Maternity Leave
Leave of Absence
Benefits
Childbirth
Family Leave
Adoption