

Title : Family and Medical Leave (FMLA)
Number :
Approved :
Reference : 29 CFR 825

4310.03
11/15/21

Eastern Arizona College (EAC or the College) provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected leave to covered employees in certain circumstances.

Eligibility

To qualify for FMLA leave, you must: (1) have worked for the College for at least 12 months, although it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a worksite that has 50 or more employees within 75 miles. If you have any questions about your eligibility for FMLA leave, please contact the Human Resources Department.

Leave Policy

If eligible, you may take up to 12 or 26 weeks of family or medical leave, whichever is applicable, within the relevant 12-month period as explained and defined below. While you are on FMLA leave, the College will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, "Medical and Other Benefits." On returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.

Leave Entitlement

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period, which is defined as a calendar year measured forward from the date an employee's first FMLA leave begins for any of the following reasons:

- the birth of a son or daughter and in order to care for that son or daughter (leave to be completed within one year of the child's birth);
- the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- to care for a spouse, son, daughter, or parent with a serious health condition;
- to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, parent or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

Both Spouses Employed by the College

Spouses who are both employed by EAC and are eligible for FMLA leave may be limited to a:

Combined total of 12 weeks of leave during the 12-month period if leave is requested:

- for the birth of a son or daughter and in order to care for that son or daughter;
- for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
- to care for an employee's parent with a serious health condition.

Combined total of 26 weeks in a single 12-month period if the leave is either for:

- military caregiver leave; or
- a combination of military caregiver leave and leave for other FMLA-qualifying reasons.



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Notice of Leave

If your need for FMLA leave is foreseeable, you must give the College at least 30 days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide this notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances.

Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with the College first regarding the dates of this treatment to work out a schedule that best suits the needs of the employee or the covered military member, if applicable, and the College.

Where the need for leave is not foreseeable, you are expected to notify the College, in writing, within one to two business days of learning of your need for leave, except in extraordinary circumstances.

Certification of Need for Leave

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from the Human Resources Department. When you request leave, the College will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

The College, at its expense, may require an examination by a second health care provider designated by the College. If the second health care provider's opinion conflicts with the original medical certification, EAC, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The College may require subsequent medical recertification. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

EAC also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

Reporting While on Leave

If you take leave because of your own serious health condition or to care for a covered relative, you must contact the College every 30 days regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

Leave Is Unpaid

FMLA leave is an unpaid leave. You will be required to substitute any accrued and unused sick leave, then vacation leave for any FMLA leave taken.

Employees will continue to accrue sick and vacation leave while on FMLA.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary.

Medical and Other Benefits

During approved FMLA leave, EAC will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, EAC will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium through Fiscal by invoice. Your health care coverage will cease if your premium payment is more than 30 days late. If your payment is more than 15 days late, we will send you a letter to this effect. If we do not receive your premium payment within 15 days after the date of this letter, your



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coverage may cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the College for the cost of the health benefit premiums paid by the College for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

Exemption for Key Employees

Key employees, defined as salaried and FMLA-eligible employees who are among the highest paid 10% of all employees at a worksite or within 75 miles of that worksite, may not be returned to their former or an equivalent position following FMLA leave if restoration of employment will cause substantial and serious economic injury to the operations of EAC. This fact-specific determination will be made by the College on a case-by-case basis. EAC will notify you if you qualify as a key employee, if the College intends to deny reinstatement and of your rights in these instances.

Intermittent and Reduced Leave Schedule

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If leave is unpaid, EAC will reduce your salary based on the amount of time not worked. In addition, while you are on an intermittent or reduced leave schedule, the College may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

Returning from Leave

If you take leave because of your own serious health condition you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

The College prohibits employees from being retaliated or discriminated against for exercising their rights under the Family and Medical Leave Act (FMLA).

