

Family and Medical Leave Act (FMLA) Procedure	Procedure Number	6.5P
	Effective Date	April 2, 2014

1.0 PURPOSE

This procedure is designed to comply with the provisions of the Family and Medical Leave Act (FMLA) pursuant to Title 29 of the United States Code, Chapter 28.

2.0 REVISION HISTORY

Adopted on: 4/2/14

This procedure is revised and effective as of the adopted date above. This procedure supersedes any and all versions of previously published and distributed FMLA and FMLA-related policy and/or procedure.

3.0 PERSONS AFFECTED

Any employee (including part-time and temporary) of Laramie County Community College (LCCC), who has a) been employed by LCCC for at least twelve months total (not necessarily the last twelve months), and b) worked at least 1,250 hours during the 12-month period immediately preceding the leave, is eligible to be granted basic family leave entitlement as may be applicable for conditions authorized by the Family and Medical Leave Act, and/or is eligible to be granted military family leave entitlement as may be applicable.

4.0 DEFINITIONS

LCCC subscribes to and upholds the applicable terms as defined within the US Department of Labor FMLA posting, the US Department of Labor's Notice of Eligibility and Rights & Responsibilities information from the US Department of Labor and available from the Human Resources Department, as well as any/all FMLA-related documentation specific to an individual employee's FMLA request.

5.0 PROCEDURES

The basic FMLA leave entitlement provides that eligible employees may be granted up to twelve work weeks of job-protected leave during a 12-month period; the Military Family Leave entitlement provides that eligible employees may be granted up to twenty-six weeks of job protected leave during a 12-month period. A husband and wife employed by the same employer may be limited to a combined total of 12 weeks in a 12-month period when leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement.

All employees requesting FMLA leave must provide notice of the need for the leave to the Human Resources Department; an employee must work directly with Human Resources to initiate, request, document using the required forms, and conclude an FMLA-protected leave and must abide by the prescribed responsibilities as outlined in the US Department of Labor's Notice of Eligibility and

Rights & Responsibilities. Failure to adhere to the US Department of Labor's Notice of Eligibility and Rights & Responsibilities, as well as the employer-specified elements as identified below, may result in denial of FMLA-protected leave.

LCCC complies with the Family and Medical Leave Act; within the basic parameters of the FMLA, an employer may choose to apply certain permitted guiding elements. Employer options that LCCC has determined apply include:

A. Tracking Method

LCCC measures the "12-month period" using the rolling calendar method for the purposes of tracking and counting an employee's leave entitlement under either the basic leave and/or military leave provisions of the Family and Medical Leave Act.

B. Use of Paid Leave

LCCC requires the use of accrued paid leave while taking an FMLA-protected leave; if any/all paid leave becomes exhausted while on FMLA, an employee may move into an unpaid status for the remainder of any approved FMLA-protected leave.

C. Benefit Continuation & Payment

In accordance with FMLA provisions, an employee's benefits continue. LCCC requires an employee to continue payment of the employee portion of any applicable paid benefits through ongoing payroll deductions as if the employee continued to work; if an employee enters into an unpaid status while on FMLA-protected leave, they will be required to work directly with Human Resources to determine how any applicable benefit payments will be made and/or recovered.

D. Certification

LCCC requires that a FMLA leave request be supported by clear certification on the required forms provided by Human Resources for such purpose; LCCC reserves the right to ask for a second opinion if it has reason to doubt the certification. If necessary to resolve a conflict between the original certification and the second opinion, LCCC may require an opinion of a third provider. The third opinion will be considered final. Any/all certifications and/or additional opinions will be on the required forms provided by Human Resources for such purpose.

E. Request Timing

When the need for the leave is foreseeable, an employee must provide LCCC with at least thirty (30) days advance notice; in extreme extenuating circumstances, when an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, the employee (or an appropriate representative of the employee if/when an employee may be fully incapacitated) must provide notice of the need for the leave either the same day or the next business day.

F. Intermittent Leave

Employees who have applied for and have been notified by Human Resources of their eligibility for intermittent FMLA must consult with their immediate supervisor prior to the scheduling of appointments/treatments to ensure that any agreed upon schedule meets the needs of the

employee and LCCC. If the employee fails to do so, LCCC reserves the right to require the employee to attempt to reschedule treatment(s) to better accommodate the employee's work schedule, if/when medically appropriate.

G. Recertification

LCCC may request recertification when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of their leave; LCCC may request recertification every six (6) months in connection with an intermittent FMLA absence.

H. Authentication and Clarification of Certification

LCCC may utilize various available methods to validate authenticity and/or seek clarity of a certification, which may include requesting translation services if certification was completed by health provider(s) in a non-US location, requesting court documentation for an "in loco parentis" or foster child placement request, contacting the provider to validate leave usages and patterns to confirm that the record is consistent with the reason given for the FMLA absence, as well as other authentication/clarification methods as may be deemed necessary.

I. Leave Extension

LCCC will require medical recertification for any leave extension; a leave extension request must be submitted as soon as the need for leave extension is known and at least two (2) weeks before the original leave expires, unless there are extreme extenuating circumstances.

J. Job Restoration

Generally, an employee returning from FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms; LCCC may choose to exempt certain key employees from this requirement.

K. Return to Work

LCCC may require an employee on FMLA leave to report periodically on their status and intent to return to work; should an employee be able to return earlier than the leave request indicated, the Human Resources Department must be notified at least 24 hours prior to an actual full return to work.

L. Fitness for Duty Certification

In applicable FMLA-protected leave occurrences, an employee will be required to provide a fitness-for-duty certificate to be restored to employment; an employee will not be permitted to return to work without a fitness-for-duty. The fitness-for-duty must be on the form provided to the employee by Human Resources for such purpose.

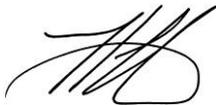
M. Unsuccessful FMLA Leave Conclusion

If an employee is unable to provide a fitness-for-duty and/or if an employee fails to return to work on the first typical and normally scheduled work day (as applicable) following the expiration of an approved leave, the employee will be considered to have voluntarily terminated any/all employment relationship(s) the employee may have had with LCCC as of that day.

LCCC's Human Resources Department is the sole administrator of LCCC's FMLA policy and procedure and, as such, is the exclusive interpreter of its terms. All provisions of this policy and procedure are consistent with the Family and Medical Leave Act of 1993 and subsequent revisions.

LCCC reserves the right to amend or change this procedure to maintain consistency and compliance with contemporary rules and regulations of the Family and Medical Leave Act.

This procedure is intended to provide general guidance regarding LCCC's application of, and adherence to, the Family and Medical Leave Act. Actual individual application is determined only by Human Resources on a case-by-case basis. This policy does not grant or create any employment rights to any individual other than that which is specifically addressed within the parameters of, and as determined eligible for, FMLA.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Peggie Kresl-Hotz, Human Resources Executive Director Debb Roden, Legal Counsel	1/14/14
Approval by President's Cabinet		1/21/14
Ratified by College Council	Kari Brown-Herbst, College Council Co-chair	3/17/14
Approval by President (Signature)		4/2/14