

**TALLAHASSEE COMMUNITY COLLEGE
ADMINISTRATIVE PROCEDURES**

<u>TITLE:</u> Family and Medical Leave	<u>NUMBER:</u> 04-40AP
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 Florida Administrative Code: 6A-14.0261	<u>SEE ALSO POLICY:</u> 04-40
<u>DATE ADOPTED:</u> 10/29/2012	<u>PAGE:</u> 1 of 3

The Family and Medical Leave Act of 1993 (FMLA) has specific requirements that must be met in order to declare an employee's eligibility. The Tallahassee Community College Human Resources (HR) Office will utilize the following procedure(s) to ensure compliance with the FMLA.

Notification of FMLA

Employee Notification: Employees must notify both their supervisor and HR of the need for either on-going intermittent or extended medical leave. The employee may provide notice in person, via the telephone, e-mail or letter.

Supervisor Notification: Supervisors must notify HR, if made aware of an employee's potential need for either on-going intermittent or extended medical leave.

Eligibility

FMLA eligibility is determined based on the following criteria:

1. The employee must have been employed by the College for twelve months prior to the request, and
2. The employee must have worked a minimum of 1250 hours in the twelve months preceding the request.

HR will send the employee the FMLA Notice of Rights, indicating that they do, or do not meet FMLA eligibility requirements. If the employee is eligible for the FMLA, the FMLA Medical Certification Form, to be completed by the medical provider, will be included. The FMLA Medical Certification Form must be completed and returned to HR within fifteen (15) days of the employees' receipt of the form. After receipt of Medical Certification, HR has five (5) business days to determine eligibility and notify the employee in writing of his/her ability to receive the leave. During this time, the College may (at its expense) request a second opinion. This second opinion will be conducted by a medical provider of the College's choosing that has not been employed or regularly used by the College. Should the second opinion differ from the initial opinion, the College will (at its expense) request a third and binding opinion.

Notice Requirements

Notice to Employee: Upon receipt of Medical Certification by the physician, the employee will receive written notification from HR of the approval of FMLA. The notification will include:

1. The approved estimated leave period (If the leave is intermittent, the estimated dates and time the employee will need to be out of the office will be included)
2. Instructions on how to code and submit leave requests

Notice to Employee's Supervisor: Upon receipt of Medical Certification and FMLA approval, the employee's supervisor will receive written notification from HR of the employee's approval for FMLA. The notification will include:

1. The approved estimated leave period (If the leave is intermittent, the estimated dates and time the employee will need to be out of the office will be included)
2. Instructions on how to code and submit leave requests

Request for Accommodations

FMLA leave may be taken as a leave of absence or intermittently. If taken intermittently, reasonable accommodations may be made. All requests for accommodations must be submitted in writing to the immediate supervisor. Accommodations will be based on FMLA requirements and the operational needs of the College. The supervisor will evaluate the operational needs of the department and submit to the Human Resources Director their recommendation for satisfying the requested and required FMLA accommodation. FMLA accommodations must be approved by both the Human Resources Director and the appropriate Executive Team member prior to implementation. The supervisor will notify the employee of the accommodation decision.

Accommodations will be determined using the criteria below:

1. Accommodations may not be made that adversely affects the mission of the College and/or the learning outcomes of our students.
2. During the period that the intermittent or reduced leave schedule is required, an employee may be reassigned to an available, same or similar, alternative position for which the employee is **qualified** and which better accommodates recurring periods of leave than does the employee's regular position.
3. Qualifications for alternative schedules, positions/duties shall include the education, experience, and other applicable knowledge, skills, and abilities required to successfully fulfill the position.
4. Accommodations are time limited and may only be granted for one semester at a time for faculty, and no longer than a four month period at a time for non-faculty. Accommodation must be re-evaluated each semester or every four months regarding organizational needs and appropriateness.
5. Recertification, as well as periodic updates of the employee's health status and continued need for FMLA may be requested by Human Resources.

Submission of FMLA Leave

HR will instruct the employee, the employee's supervisor, and the time/attendance staff for the employee's department on how to complete the leave request(s) for FMLA leave.

The employee's department will submit all FMLA leave to HR by the designated payroll due date for each period the employee is on FMLA. In the event there is leave without pay (LWOP), the employee or employee's department will be instructed to submit the leave request monthly, rather than by pay period. This will prevent an employee from being overpaid for the month in which there is LWOP.

HR will input FMLA leave for all employees on FMLA.

Tracking FMLA Leave

HR will keep a log of all FMLA used.

Once an employee has exhausted their available FMLA leave (480 hours in a 12-month period), the employee, supervisor and time/attendance staff will be notified in writing that the maximum FMLA hours have been used.

In the event the maximum FMLA hours have not been exhausted, but the time period for FMLA leave, as provided by the physician in the Medical Certification Form has expired, the employee, supervisor and time/attendance staff will be notified in writing that the FMLA time period has expired.

Reinstatement

Based on the initial notification to the employee, HR may require a fitness-for-duty certificate in order for the employee to return to work. If so, the employee must submit the certification to HR prior to being reinstated.