

Refer to Section {B}  
{Personnel}Unit

**Procedure for {B 30 – Family Medical Leave (FMLA)}**



1. Employees requesting FMLA leave must provide the college at least thirty (30) days notice of the need for leave, if the need is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable.
2. Employees, who need leave for their own or family member's serious health condition, must provide medical certification of the serious health condition.
3. The college may deny leave to employees who do not provide medical certification.
4. The request for leave should be submitted in writing to the immediate supervisor, and the director of human resources. The request should indicate the reason for leave, expected beginning date, and anticipated return date.
5. After the above personnel have conferred, a written response will be sent by the director of human resources to the employee making the request.
6. Existing employee health care benefits, if any, will be continued by the college during the leave period at the same level of coverage and terms and conditions as though the employee were not on leave.
7. Employees are not entitled to accrue seniority or employment benefits such as paid vacation or sick leave during unpaid leave.
8. Employees who return from family leave will be reinstated to the same position they held prior to the leave, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
9. Certain highly compensated employees, defined as those salaried employees who are among the highest paid 10 percent of the college workforce, may be denied reinstatement to the same or equivalent position after a leave if the denial is necessary to prevent economic injury to the college's operations.
10. Leave to care for a spouse, child, or parent, or for treatment of the employee's own serious health condition may be taken intermittently or on a reduced work schedule, when medically necessary.
11. Exempt employee may take partial-day, preferably half-day leaves without pay that are counted against the employee's allotted 12 weeks, without jeopardizing the employee's exempt status under the Fair Labor Standards Act.

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12. Spouses working for Midway College are allowed a leave of only a combined aggregate of 12 weeks a year for the birth or placement of a child or to care for a parent. For other covered leaves, such as to care for a spouse or child, or for treatment of the employee's own serious health condition, each spouse may take up to 12 weeks a year.

13. Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.