

I. POLICY

Salt Lake Community College recognizes that medical or family needs sometimes require extended time away from employment. To support our people in meeting these critical needs, the college will provide family and medical leave for qualifying employees.

The college's family and medical leave policy provides leave per the Family and Medical Leave Act of 1993. Where appropriate and established as a model practice, the college will support and protect qualifying employees beyond the Family and Medical Leave Act of 1993 requirements.

This policy only covers family and medical leave, paid parental leave, and related benefits and protections. Additional leave options are available for employees who do not qualify for the Family and Medical Leave Act.

II. REFERENCES

- A. Family and Medical Leave Act (FMLA), 29 C.F.R. § 825.
- B. Utah Code 63A-17-511 "Parental Leave-Postpartum Recovery Leave."

III. DEFINITIONS

See [Personnel Definitions](#).

IV. PROCEDURES

- A. Family and medical leave (FML) provides eligible employees options for taking a leave of absence for a serious health condition, either for themselves or for a qualifying family member.
- B. An employee may need to miss four or more workdays for a health condition that requires treatment by a healthcare provider and comply with all FMLA requirements to use FML leave.
- C. Eligibility for Family and Medical Leave
 - 1. An employee must be employed by the college for at least 12 months and have worked at least 1,250 hours during the 12 months before the leave start

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The originator of this policy & procedure is People and Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

date to be eligible for family and medical leave. The 12 months of employment do not need to be consecutive.

2. An employee may receive family medical leave for:
 - a. the birth or care of the employee's newborn child if the employee takes the leave within 12 months of the birth;
 - b. a child's placement with the employee for adoption or foster care;
 - c. the care of a spouse, domestic partner, child, parent, or parent-in-law who has a serious health condition;
 - d. a serious personal health condition that renders the employee incapable of performing the functions of the employee's job;
 - e. an emergency arising because the employee's spouse, domestic partner, child, or parent is on active duty or is called to active duty (not including Reserve or National Guard annual training); or
 - f. the care of a current or retired member of the Armed Forces who is a spouse, domestic partner, child, parent, parent-in-law, or next of kin and who is being treated for a serious injury or illness.

D. Confidentiality and Retaliation

1. The college must keep medical information obtained during the family and medical leave application process.
2. The FML coordinator will notify the employee's supervisor of restrictions or limitations.
3. Supervisors must not request additional information from the employee or share confidential information with co-workers.
4. A supervisor must be aware that disclosure is the sole prerogative of the employee.
5. The college strictly prohibits retaliation in any form for participation in an FML inquiry, FML application process, FML, or return from FML.

E. Requesting Leave

1. Timely Notification
 - a. If the need to take family and medical leave is foreseeable, an employee must:

- (1) notify their immediate supervisor or the FML coordinator at least 30 days in advance of the employee's intention to begin a leave; or
 - (2) immediately notify their supervisor or the FML coordinator if the need arises less than 30 days before the leave is taken; and
 - (3) make a reasonable effort to schedule the treatment so it does not unduly disrupt college operations.
- b. If the need for family and medical leave is unforeseeable or due to an emergency medical condition, the employee or their designee must notify the employee's supervisor or the FML coordinator as soon as possible under the circumstances.
 - c. Supervisors who receive an FML request from an employee must refer the employee to the FML coordinator.
 - d. Once an employee submits an FML request, the FML coordinator will:
 - (1) encourage the employee to notify the supervisor of the employee's intentions to take FML; and
 - (2) under most circumstances, notify the supervisor as to the possibility of an employee's plans to take FML; and
 - (3) coordinate with and support supervisors to develop a plan for coverage during the leave period.

2. Application for Family and Medical Leave

- a. An employee requesting FML must complete an FML application.
- b. If an employee is requesting FML for themselves, the employee must provide medical certification for serious health conditions to verify the reasons for the leave request.
- c. The medical certification must be from the employee's licensed medical provider and must:
 - (1) appropriately document the medical condition;
 - (2) give the date the condition began;
 - (3) state the probable duration of the condition; and
 - (4) provide the dates and the duration of any planned treatment.

- d. If the FML is for an intermittent or reduced leave schedule, the certification must include:
 - (1) the expected duration of such leave;
 - (2) a statement that the employee is unable to perform the employee's full duties; and
 - (3) a statement of the medical necessity for intermittent leave or a reduced work schedule
 - e. If an employee is requesting FML to care for a person listed in section IV.C.2.c, the employee must provide medical certification documentation and must:
 - (1) be from that person's licensed medical provider;
 - (2) include a statement that the employee is needed to care for a covered family member; and
 - (3) provide the dates and the duration of any planned treatment the employee needs to support.
 - f. If an employee does not notify the FML coordinator and provide the appropriate medical certification within 15 days of the request, approval for their request may be delayed.
 - g. Employees approved for FML should not perform job-related duties while on leave.
 - h. Supervisors who need to contact an employee on FML must coordinate all communications, except good-will and get-well messages unrelated to work or to specific health conditions, through the FML coordinator. Employees may opt out of all communication with their supervisors by communicating with the FML coordinator during the application process.
3. The College's Right to Verify
- a. the college reserves the right to request a second medical opinion at the college's expense for all requests for family medical leave resulting from an employee's serious health condition.
 - b. If the two opinions conflict, a third opinion may be necessary at the college's expense.
 - c. An employee who obtains leave fraudulently may be subject to disciplinary action, may be liable for the college's portion of insurance premiums paid

during the leave period, and will not be protected by the FMLA's job restoration and maintenance of health benefits provisions.

- d. The college may request recertification if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the college receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

F. Length of Leave

1. Eligible employees may take up to 12 weeks of continuous or intermittent family medical leave during a rolling calendar year for serious health conditions.
2. Employees may take up to 26 weeks of military caregiver leave during any 12 consecutive months to care for a spouse, domestic partner, child, parent, parent-in-law, or next of kin, who is an eligible service member or covered veteran.
3. Any request for unpaid leave beyond 12 or 26 weeks, respectively, must be requested jointly by the employee and the employee's supervisor. The appropriate cabinet member must approve unpaid leave according to the Leave of Absence Without Pay policy.
4. If both parents are qualifying college employees and leave is for the birth, placement, or adoption of a child, both parents will each receive up to 12 weeks of FML.
5. If the child has a serious health condition, both parents may each take the full 12 weeks of leave to care for the child with proper medical documentation, as described in subsection IV.C.2.

G. Intermittent Leave and Reduced Work Schedule

1. When it is medically necessary, qualifying employees may take FML leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee's usual weekly or daily work schedule.
2. When an employee needs leave for planned medical treatment, the employee must make a reasonable effort to schedule treatment that does not unduly disrupt the college's operation.
3. Leave to care for or bond with a newborn child or for a newly placed adopted or foster child may only be taken intermittently if both the FML coordinator

and the employee's supervisor approve and must conclude within 12 months after the birth or placement.

H. Qualifying Military Exigency Leave

1. As defined in section IV.C.2.e., employees with a spouse, domestic partner, son, daughter, parent, or parent-in-law on active duty or on-call status in the National Guard or Reserves may use the family and medical leave 12-week leave entitlement to address certain qualifying exigencies.
2. Qualifying exigencies may include:
 - a. attending certain military events;
 - b. arranging for alternative childcare;
 - c. addressing financial and legal arrangements;
 - d. attending counseling sessions; or
 - e. attending post-deployment reintegration briefings.

I. Substituting Sick leave and Vacation

1. FML is unpaid leave. When taking FML, the employee must use any accrued sick and vacation leave to cover the leave period.
2. If an employee does not have enough sick and vacation leave to cover the entire family and medical leave need, the remaining FML time taken will be unpaid.
3. In the case of faculty employees granted FML, the college may extend the leave to the end of the current semester.
4. Sick and vacation leave will not accrue during the unpaid portion of a FML.
5. The appropriate academic administrator will coordinate any change in a faculty member's work schedule.

J. Paid Parental Leave

1. Eligible employees will receive eight weeks of paid parental and post-partum recovery leave at their normal rate of pay upon the birth, adoption, foster care placement, or appointment of legal guardianship.
2. To be eligible for a paid parental leave benefit, an employee must:

- a. be a full-time employee who qualifies for benefits and employed for at least six months;
 - b. qualify through one of the following events:
 - (1) have a child that was born, adopted, or placed on or after the approval of this procedure in their home through foster care;
 - (2) is the intended parent of a child born under a validated gestational agreement; or
 - (3) is appointed the legal guardian of a minor child or incapacitated adult.
 - c. complete an application and be approved for paid parental leave.
3. Employees can use parental leave in any approved increments within 12 months of the qualifying event.
 4. If both parents are qualifying college employees, both parents may each take the full eight weeks of paid parental leave, independent of one another.
 5. Approved paid parental leave will run concurrently with family and medical leave for qualified employees; paid parental leave does not extend the amount of leave provided under the Family and Medical Leave Act.
 6. Employees must take paid parental leave within 12 months of the qualifying event.
 7. Unused approved parental leave will not be paid out upon termination.

K. Benefits During Leave

1. The college will continue to pay medical, dental, vision, life, and long-term disability insurance benefits during the family medical leave period under the same terms and conditions as when an employee went on leave.
2. If the leave is unpaid, the employee must make arrangements with the People and Workplace Culture benefits office to pay the employee's portion of the medical or dental insurance premium.
3. The employee must also make arrangements with the People and Workplace Culture benefits office to pay other insurance premiums such as supplemental life, AD&D, FSA, HSA, etc. The employee may elect to have funds deducted from the employee's pay before or immediately following the leave.
4. The employee will not accrue any employee benefits, such as sick or vacation leave during a period of unpaid family medical leave.

L. Full-Time Faculty Members on Leave

1. Full-time faculty members are eligible for FML if they have been employed by the college for at least 12 months (which do not need to be consecutive) and have taught at least 15 instructional units in the two semesters immediately before the leave start date.
2. Full-time faculty members who work a reduced schedule in the semester immediately prior will have their FML prorated for the current semester.
3. Before taking a continuous FML for two weeks or more, faculty employees who are tenure-track or post-tenure must complete and submit the Request to Review for Extension of Pre-Tenure Probationary Period/Post Tenure Evaluation form to People and Workplace Culture.

M. Other Leave Options

1. Employees who receive benefits and who do not meet the eligibility requirements for a FML or who have exhausted FML may be eligible for other options including accrued sick and vacation leave, sick leave pool, advance sick leave, leave without pay, or ADA Leave. Please contact the People and Workplace Culture office for more details.

N. Return to Work

1. Following a FML or paid parental leave, employees will return to the same or an equivalent position, status, benefits, and pay as the employee held when the leave began.
2. The college does not guarantee employees will return to their original job.
3. The assistant vice president of HR designee will determine whether a position is an equivalent position. Supervisors may appeal equivalency decisions through the appropriate cabinet member to the institutional president. The cabinet member determines whether to forward to matter to the institutional president but cannot reverse the decision of Human Resources. If an appeal is made, both the cabinet member and Human Resources will each submit a written rationale to the president.
4. The college may require a fitness for duty certification from the appropriate medical provider, and, if required, must be received by the FML coordinator before the employee returns to work.
5. If, after six months of leave, an employee cannot return to work, the college may separate the employee from employment due to unavailability.
 - a. Separation from employment due to unavailability is not corrective action.

- b. Separation from employment due to unavailability does not exclude the employee from applying for certain benefits such as long term-disability or COBRA.

O. Documented Performance Issues

1. Supervisors will address performance issues documented before an employee takes family medical leave but unrelated to the employee's family and medical leave absence when the employee returns from leave.
2. Supervisors will address performance issues discovered during the family and medical leave upon the employee's return.
3. Employees on leave or returning from leave will be subject to workforce reducing circumstances outlined in the Reduction of Force, Payment in Lieu of Notice, and Bona Fide Financial Exigency policy.

P. Worker's Compensation

1. Risk Management administers the college's Workers' Compensation program. Workers' Compensation benefits may be coordinated with family and medical leave, sick leave, or sick leave pool by corresponding with Risk Management.