

Family and Medical Leave

RVC Administrative Procedure (3:30.090)

Purpose

The Family and Medical Leave Act (FMLA) procedure defines the regulated process through which eligible employees can request unpaid, job-protected leave for specified family and medical reasons, while employers manage, designate, and track such leave according to federal law.

Scope

The scope of the FMLA procedure encompasses:

- **Covered reasons for leave:** Birth and care of a newborn, adoption or foster placement, caring for a spouse, child, or parent with a serious health condition, or the employee's own serious health condition
- **Duration of leave:** Up to 12 workweeks of leave in any rolling 12-month period for most qualifying reasons; certain military-related exigencies allow up to 26 weeks
- **Procedural protections:** Employers must provide timely notification, allow proper documentation, handle intermittent leave requests, and guard against retaliation or discrimination
- **Integration with employer policies:** Employers may coordinate FMLA with paid leave programs, disability benefits, or other leave policies, as long as FMLA rights are preserved
- **Protected employees and covered employers:**

An employee seeking family and medical leave must be eligible for such leave under the FMLA, the PCCA, or both. To be eligible for family and medical leave under the FMLA, an employee must:

 - a) have been employed by Rock Valley College for at least a total of 12 months prior to the event giving rise to the need for leave;
 - b) have been employed for at least 1250 hours of service over the 12-month period immediately preceding the commencement of the leave; and
 - c) be employed at a worksite where Rock Valley College employs at least 50 employees within a 75-mile radius of that worksite.

To be eligible for family and medical leave under the PCCA, an employee must:

- a) have been employed by the College for at least 12 months; and
- b) have worked at least 1000 hours in the previous 12-month period.

Rock Valley College

Department and Primary Point of Contact Involved

Point of Contact: Benefits and Wellness Coordinator, Human Resources

RVC-HRBenefits@rockvalleycollege.edu

Definitions

- **Continuous FMLA Leave:** Refers to a period of job-protected, unpaid leave taken in one uninterrupted stretch, usually for serious medical conditions, recovery, or parental bonding for up to 12 weeks
- **Intermittent FMLA Leave:** Leave that can be taken in separate non-consecutive blocks of time for a single qualifying reason.

Employee Procedures

An employee requesting family or medical leave is required to:

- Provide 30-day advance notice before the leave is to begin to his/her supervisor and the Benefits and Wellness Coordinator the need for family or medical leave is foreseeable. If 30 days' notice is not practicable, or where the need for leave is not foreseeable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.
- Employees must provide at least verbal or written notice sufficient to make the College aware of their need for family or medical leave, and the anticipated timing and duration of the leave. Failure to provide such notice may be grounds for delay in granting or for denying the leave.
- The Benefits and Wellness Coordinator will provide the employee with the **Physicians Certification Form** which should be returned and signed **within fifteen calendar days**. The employee must provide a medical certification from the employee or family member's health care provider supporting the need for a leave due to the employee's own serious health condition or that of an immediate family member. Failure to provide a satisfactory certification may result in a denial or postponement of the leave;

During Employee Leave:

- It is your responsibility to submit the FMLA Usage report **weekly by 12:00 PM every Friday**, noting any time off for FMLA to the attention of the Benefits & Wellness Coordinator via email. This form should be signed by the employee and the employee's supervisor. The Benefits & Wellness Coordinator will record your FMLA time in Colleague/Ellucian.

Rock Valley College

- Please be sure to submit any time off (PTO) in Self-Service to Payroll.

Return to Work

- Upon return from a leave resulting from the employee's own serious health condition, the employee must provide the College's Human Resources Department with certification from a health care provider indicating that the employee is fit to return to work and able to perform the essential duties of his or her job. The College may deny the employee's return to work until the medical certification is submitted.

Continuation of Health Benefits

- During Exigency or Servicemember Family Leave, employees are entitled to continuation of health benefits that would have been provided if they were working. If the College contributes a portion of an employee's health plan premiums during a period of unpaid Exigency or Servicemember Family Leave, it may recover the amount of such payments if the employee fails to return to work after such leave has been exhausted or expires, as provided under the FMLA.
- Vacation Accrual and Group Health Coverage While on Leave: An employee on continuous family or medical leave is not eligible to accrue vacation time. An employee on continuous family or medical leave will continue in the group health insurance, life insurance and long-term disability programs under the same terms and conditions that the employee was covered prior to the leave. The employee is responsible for paying the employee portion of the premiums associated with these programs while on family or medical leave. The obligation of Rock Valley College to continue an employee's medical coverage shall cease if the employee's premium payment is more than **thirty (30) days late or informs Rock Valley College** of an intent not to return to work at the end of a leave period. In the event either of the foregoing occurs, or if the employee fails to return to work when the leave entitlement is used up, the employee shall be responsible for reimbursing the College for the employer-paid portion of the employee's benefits premiums. When an employee exhausts his or her family or medical leave and is unable to return to work, the employee will be entitled to continuing medical insurance coverage under COBRA.

Exigency and Servicemember Family Leave

In accordance with the National Defense Authorization Act, an eligible employee who is the family member of a covered servicemember is permitted to take up **to 26 work weeks of leave in a single 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty**. These 26 work weeks include **the 12 work weeks of job protection provided by Rock Valley College's Family and Medical Leave policy** that will be available to eligible employees with a covered military member serving in the

Rock Valley College

National Guard or Reserves to use for any “qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active-duty status in support of a contingency operation. Accordingly, all eligible employees shall be entitled to Exigency and Servicemember Family Leave, on a gender- neutral basis; provided leave is taken in accordance with the following provisions.

Exigency and Servicemember Family Leave Definitions

Applicable Definitions and Limitations

A. Definitions

1. **Covered Servicemember:** as used herein, shall mean a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness or injury incurred in the line of duty.
2. **Qualified Exigency:** as used herein, shall be defined to include one or more of the following exigencies as provided in the U.S. Department of Labor (“DOL”) Regulations implementing the Military Family Leave provisions of the Family and Medical Leave Act:
 - a) Short-notice deployment (for up to seven calendar days beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation);
 - b) To attend military events and related activities;
 - c) For childcare and school activities as enumerated by the DOL Regulations (29 C.F.R. Section 825.106(a)(3));
 - d) To make or update financial or legal arrangements to address the covered military member’s absence while on active duty or call to active-duty status or to act as the Covered Servicemember’s representative before a federal, state or local agency to obtain, arrange, or appeal military benefits while the Covered Servicemember is on active duty or call to active-duty status;
 - e) To attend counseling provided by someone other than a health care provider for oneself, for the Covered Servicemember, or the Covered Servicemember’s child or stepchild, provided that the need for counseling arises from the active duty or call to active-duty status of the Covered Servicemember;
 - f) To spend time with a Covered Servicemember who is on short- term, temporary rest and recuperation leave during the period of deployment (for up to five days for each instance of rest and recuperation);

Rock Valley College

- g) To attend post-deployment activities and address issues arising from the death of a Covered Servicemember while on active-duty status; and
- h) To address other events which arise out of the Covered Servicemember's active duty or call to active-duty status provided that the College and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

B. Exigency Leave

Eligible employees shall be entitled to a total of twelve (12) work weeks of unpaid leave during the twelve (12) month period because of any "Qualifying Exigency" arising out of the active duty or call to active duty in the Armed Forces in support of a contingency operation of the employee's spouse, son, daughter or parent, subject to the following:

- 1. the employee must state a qualifying reason for the needed leave to allow the College to determine whether the purpose for the leave is one allowed under the Act;
- 2. leave may be taken on an intermittent basis (in separate blocks of time) or reduced schedule (reducing the usual number of hours per week or per day) because of a "Qualifying Exigency," subject to the requirements and limitations set forth in the FMLA Regulations; and
- 3. the College may require requests seeking leave due to a "Qualifying Exigency" be supported by a signed Certification of Qualifying Exigency for Military Leave in the form provided by Rock Valley College.

C. Servicemember Family Leave

Eligible employees (the spouse, son, daughter, parent, or next of kin of a Covered Servicemember) shall be entitled to a total of twenty-six (26) work weeks of unpaid leave during a single twelve (12) month period to care for a Covered Servicemember (beginning the first day the eligible employee takes leave to care for a Covered Servicemember) provided that the Covered Servicemember's injury or illness renders him or her medically unfit to perform duties of the member's office, grade, rank or rating, subject to the following:

- 1. the employee must state a qualifying reason for the leave to allow the College to determine whether the purpose for the leave is one allowed under the Act;
- 2. a husband and wife who are both employed by the College and both eligible for leave, are only permitted to take a combined total of twenty-six (26) weeks of leave during a single twelve (12) month period;

Rock Valley College

3. leave to care for a Covered Servicemember and leave for any other FMLA-qualifying event may not exceed twenty-six (26) weeks in a single twelve (12) month period;
4. leave may be taken on an intermittent basis (in separate blocks of time due to a single illness or injury) or reduced schedule (reducing the usual number of hours per week or per day) if medically necessary; and
5. The College may require that requests seeking leave for Servicemember Family Leave be supported by medical certification from the Covered Servicemember's health care provider sufficient to establish that the Covered Servicemember is in need of care. Such medical certification must be submitted within 15 calendar days after the Superintendent or his or her designee requests the certification.

In cases where the College has reason to doubt the validity of a medical certification it may seek authentication or clarification in accordance with DOL Regulations (29 C.F.R. Section 825.307(a)).

The College reserves the right to request certification at a later date in cases where it does not initially request medical certification to support the leave request but it later has reason to question the appropriateness or duration of the leave. The College may deny a leave request, for foreseeable leaves, or deny continuation of leave, for unforeseeable leaves, until the employee provides the required certification.

D. Substitution of Paid Leave

Other available paid vacation, personal or family leave must be substituted for Exigency and Servicemember leave prior to being placed in unpaid status. Where leave is necessitated by the care for a seriously ill or injured Servicemember, sick leave must be used prior to an employee being placed in unpaid status. Any substitution required by this policy will count towards the employee's Exigency or Servicemember Family Leave entitlement. The College will pay sick leave only under circumstances permitted by the applicable sick leave policy. Use of Exigency or Servicemember Family Leave shall not necessarily preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, or 26 weeks where applicable, provided that the use of Exigency or Servicemember Family Leave shall not serve to extend such other unpaid leave.

E. Notice

When practicable, employees must provide at least 30 days' notice to the College of the date when a leave is to begin. If 30 days' notice is not practicable, the notice must be given as soon as practicable. Employees shall provide at least verbal notice sufficient to make the College aware that he or

Rock Valley College

she needs Exigency or Servicemember Family Leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in the delay in granting the requested leave until at least 30 days after the date the employee provides notice.

F. Continuation of Health Benefits

During Exigency or Servicemember Family Leave, employees are entitled to continuation of health benefits that would have been provided if they were working. If the College contributes a portion of an employee's health plan premiums during a period of unpaid Exigency or Servicemember Family Leave, it may recover the amount of such payments if the employee fails to return to work after such leave has been exhausted or expires, as provided under the FMLA.

G. Return To Work

An employee returning from Exigency or Servicemember Family Leave will be given an equivalent position to his or her position before the leave, subject to the College's reinstatement policies and practices set forth in its Family and Medical Leave policy and FMLA regulations.

H. Implementing Procedures

Rock Valley College may develop procedural guidelines to implement this policy consistent with the Family and Medical Leave Act.

Reference/Implemented: BR #6575 (January 16, 2009); BR #7886 (December 21, 2021)

Revised: April 8, 2014; October 1, 2025