

FAMILY MEDICAL LEAVE ACT (FMLA) POLICY

I. Policy Section

6.0 Personnel

II. Policy Subsection

6.14 Family Medical Leave Policy

III. Policy Statement

Grand Rapids Community College (GRCC) will abide by all regulations set forth under the Family and Medical Leave Act (FMLA) and will grant up to twelve (12) weeks of job-protected leave in a twelve (12) month period for qualified medical reasons.

IV. Reason for Policy

FMLA requires covered employers (employers with fifty [50] or more employees) to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

1. Incapacity due to pregnancy, prenatal medical care, or childbirth
2. To care for the employee's child after birth or placement for adoption or foster care
3. To care for the employee's spouse*, domestic partner**, child, or parent, who has a serious health condition
4. A serious health condition that makes the employee unable to perform the employee's job
5. Qualifying exigency leave for military service
6. Military caregiver leave to care for an injured or ill service member or veteran

***Note:** As of March 27, 2015, workers in legal, same-sex marriages, regardless of where they live, have the same rights as those in opposite-sex marriages to federal job-protected leave under the FMLA to care for a spouse with a serious health condition.

****Note:** Effective January 1, 2016, the domestic partner program expands eligibility criteria for enrollment in specific Grand Rapids Community College's benefit plans. Under the FMLA domestic partners will be treated the same as spouses.

V. Entities Affected by this Policy

All GRCC Employees

VI. Who Should Read this Policy

All GRCC Employees

VII. Related Documents

[GRCC FMLA Webpage](#)

VIII. Contacts

Policy Owner: Executive Director of Human Resources
Employee Leave and Compliance Specialist
Human Resources Generalists
Director of Equal Opportunity Compliance

IX. Definitions

A. Eligible employees: employees are eligible if they have been employed by GRCC for at least twelve (12) months, have at least one thousand two hundred fifty (1,250) hours of service (defined as actual hours worked, which excludes all leave time) with GRCC during the twelve (12) months before their FMLA leave starts, and work at a location where GRCC has at least fifty (50) employees within seventy-five (75) miles.

B. Serious Health Condition(s): an illness, injury, impairment, or physical or mental condition that involves either of the following:

1. Inpatient care (i.e., an overnight stay) in a hospital or other medical care facility.

2. Continuing treatment by a healthcare provider.

i. Any period of incapacity related to pregnancy or for prenatal care. A visit to the healthcare provider is not necessary for each absence.

ii. Any period of incapacity or treatment for a chronic serious health condition that continues over an extended period of time, requires periodic visits (at least two [2] times a year) to a healthcare provider, and may involve occasional episodes of incapacity. A visit to a healthcare provider is not necessary for each absence.

iii. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a healthcare provider is required rather than active treatment.

- iv. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.
- v. Any continuing treatment by a healthcare provider, which includes a period of incapacity of more than three (3) consecutive calendar days that results in a regimen of continuing treatment under the supervision of a healthcare provider (e.g., a course of prescription drugs, physical therapy). Unless complications arise, the common cold, flu, COVID-19, upset stomach, headaches, routine dental problems, and cosmetic treatments do not meet the definition of a “serious health condition.”

C. **Qualifying Exigency Leave:** this leave applies to employees that are members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty. The qualifying exigency must be one of the following:

1. Short-notice deployment
2. Military events and activities
3. Child care and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities
8. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave

D. **Covered active duty:** a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five (5) years.

E. **Military Caregiver Leave (MCL):** also known as covered service member leave, is a leave to care for an injured or ill service member or veteran. These leaves may extend up to twenty-six (26) weeks in a twelve (12)-month period.

F. **Twelve (12)-Month Period Method:** GRCC will measure the twelve (12)-month period as a fixed twelve (12)-month period measured at the beginning of each fiscal year (July 1 through June 30) each time an employee uses any leave under this policy. Eligible employees may take up to twelve (12) weeks of leave during the twelve (12)-month Fiscal Year (July 1 through June 30) period for a purpose that qualifies for a leave under the FMLA Policy. For military caregiver leaves, the twelve (12)-month period is not defined by the

employer under a calendar or fixed or rolling year but rather is defined as a rolling year beginning on the first day of leave. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty-six (26) weeks available.

X. Procedures

A. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to Human Resources. When the need for the leave is foreseeable, the employee must provide Human Resources with at least thirty (30) days' notice. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with GRCC's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

B. Within five (5) business days after the employee has provided this notice, Human Resources will complete and provide the employee with the appropriate written notice of eligibility. In the event a qualified employee does not comply with GRCC's usual and customary notice and procedural requirements for requesting FMLA leave, and the employer has enough information to determine that a period of incapacity of more than three (3) consecutive days is for an FMLA qualifying reason, Human Resources will complete the appropriate documentation in its Human Resources Information System (HRIS), to designate leave as FMLA leave. Within five (5) business days after the employee has submitted the appropriate certification form, the employee will be provided with a written response regarding their request for FMLA leave.

C. Employee Status and Benefits during Leave:

1. While an employee is on leave, GRCC will continue the employee's benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
2. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, GRCC will require the employee to reimburse the amount paid for the employee's healthcare premium during the leave period.
3. While on paid leave, GRCC will continue to make payroll deductions to collect the employee's share of any elected healthcare premiums.

4. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. It is the employee's responsibility to submit timely monthly payments directly to the Benefits office in order to continue coverage while on unpaid leave. If the payment is more than thirty (30) days late, the employee's healthcare coverage may be dropped for the duration of the leave. GRCC will provide fifteen (15) days notification prior to the employee's loss of coverage.

5. If the employee contributes to a life insurance or disability plan, GRCC will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or GRCC may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, GRCC may discontinue coverage during the leave. If the College maintains coverage, GRCC may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

D. Employee Status After Leave: An employee who takes leave under this policy, for their own serious health condition, will be asked to provide a fitness for duty (FFD) clearance from their health care provider prior to returning to work. Should work restrictions be issued by an employee's healthcare provider, Human Resources will continue to follow up with the employee as necessary. Notice of this requirement will be included in GRCC's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. GRCC may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

E. Use of Paid and Unpaid Leave: An employee who is taking FMLA leave is required to use accrued but unused sick days to cover this period of absence. If the employee's FMLA leave continues after they have exhausted their available sick days, the remainder of the leave will be unpaid or the employee will have the option to use accrued but unused vacation; personal business; compensatory time; or any available sick bank, if eligible. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the applicable contract or handbook provisions. Employees (CEBA, Meet & Confer, APSS, GRCC Police) who do not return to work and have used leave banks that are advanced will be responsible for reimbursing GRCC all unearned leave banks.

F. Intermittent Leave or a Reduced Work Schedule

1. The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to

reduce the workweek or workday, resulting in a reduced hourly schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks (or twenty-six [26] workweeks to care for an injured or ill service member over a twelve [12]-month period).

2. GRCC may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. This may occur in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.
3. For the birth, adoption, or foster care of a child, GRCC and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hourly schedule. Leave for birth, adoption or foster care of a child must be taken within one (1) year of the birth or placement of the child.
4. Eligible spouses who work for the same employer are limited to a combined total of twelve (12) workweeks of leave in a twelve (12)-month period when the leave is taken for the birth, adoption or foster care of a child. Eligible spouses who work for the same employer are limited to a combined total of twenty-six (26) workweeks of leave in a single twelve (12)-month period to care for a covered servicemember.
5. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with GRCC before taking intermittent leave or working a reduced hourly schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

G. Intent to Return to Work from FMLA Leave: GRCC may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

1. Annual certification: if the employee's need for FMLA leave lasts beyond a single FMLA leave year, the employee may be required to provide a new medical certification in each new FMLA leave year.
2. Recertification: in general, GRCC may require an employee to provide a recertification of a serious health condition, but no more often than every thirty (30) days and only in connection with an absence. If a certification indicates that the minimum duration of the serious health condition is more than thirty (30) days, GRCC must generally wait until that minimum duration expires before requesting recertification. However, in all cases,

including those where the condition may be indefinite, GRCC may request a recertification for absences every six (6) months. GRCC may request a recertification in less than thirty (30) days only if:

- Employee requests an extension of leave
- Circumstances described by the previous certification have changed significantly
- Employer receives information that causes it to doubt the employee's stated reason for the absence or the continuing validity of the existing medical certification

3. GRCC retains the right to exercise all options permitted under the FMLA pertaining, without limitation, to certifications and recertifications. This may include, where appropriate, requesting that an employee obtain a second opinion (or, where appropriate, a third opinion)

XI. Forms

- Department of Labor Certification of Health Care Provider (Form WH-380 E or WH-380 F)
- FMLA Eligibility Notice (Form WH-381)
- FMLA Designation Notice (Form WH-382)
- FMLA Qualifying Exigency (Form WH-384)
- FMLA Military Caregiver Leave (Form WH-385 or WH-385 V)
- [Department of Labor Employee Guide](#)
- [Disability Accommodation Request Form](#)

XII. Effective Date

July, 1994

XIII. Policy History

This policy was updated June 2013, May 2015, May 2017, May 2019, June 2021, and August 2023 to ensure compliance with state and federal laws related to FMLA

XIV. Next Review/Revision Date

June, 2025