

Family and Medical Leave Act Policy, 2.26
Chapter 2: Personnel

Responsible Office: Human Resources
Applies to: Faculty and Staff
BOT Approved: 04/21/2026

Policy:

The College supports a work environment that offers solutions to the complex issues individuals face in balancing their work and family commitments. In accordance with federal law, Family and Medical Leave Act (FMLA) is a benefit available to eligible employees.

Guidelines:**I. Definitions**

- a. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves:
 - i. Inpatient care in a hospital, hospice or residential care facility; or
 - ii. Continuing treatment by a health care provider.
- b. **Eligible Employee:** In order to qualify for FMLA, an employee must meet both of the following conditions:
 - i. Must have been employed by Rhodes State College for at least twelve months or fifty-two weeks prior to the leave request. The twelve months, or fifty-two weeks, need not be consecutive.
 - ii. Must have worked at least 1,250 hours during the twelve-month period immediately before the date when the leave would begin.

II. Qualifying Reasons for Leave:

- a. The birth of a child or in order to care for that child;
- b. The placement of a child for adoption or foster care and to care for the newly placed child;
- c. Care for an immediate family member who has a serious health condition as certified by a health care provider;
- d. An employee's serious health condition that prevents the employee from performing their job as certified by a health care provider; or
- e. Military family leave entitlements:
 - i. Qualifying exigency leave – leave for certain reasons related to a family member's foreign deployment, and
 - ii. Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness.

- III. **Amount of Leave:** The College will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.
 - a. Up to 12 weeks of leave in a 12-month period for any FMLA reasons except military caregiver leave, and

- b. Up to 26 weeks of military caregiver leave during a single 12-month period

IV. Health Benefits during Leave:

While an employee is on leave, the College will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

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, the College will require the employee to reimburse the College the amount it paid for the employee's health insurance premium during the leave period.

If on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. If on unpaid leave, the employee must continue to make this payment, either in person or by mail.

V. Reinstatement Rights:

Upon release from a health care provider the employee will be able to return to the same or equivalent job. If an employee is unable to fulfill the essential functions of the job as a result of a serious health condition, accommodations may be made in accordance with the Americans with Disabilities Act (ADA). In accordance with the law, the College may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

VI. Use of Paid and Unpaid Leave: Employees using FMLA leave are required to use their available paid leave in the following order:

- a. Sick leave must be used first when the reason for FMLA leave qualifies under Sick Leave Policy 2.14.
- b. After sick leave is exhausted (or if the FMLA reason does not qualify for sick leave), the employee must use any available vacation and personal leave.
- c. Once all applicable paid leave balances are exhausted, any remaining FMLA leave will be taken as unpaid leave.

VII. Worker's Compensation:

If an employee is absent from work due to a work-related injury and receives lost-time compensation from the Bureau of Workers' Compensation, that employee is not eligible to use sick leave or receive pay from the College for any absence related to the work-related injury for which they receive lost-time compensation. However, this time will be tracked as FMLA time.

VIII. Intermittent Leave or Reduced Work Schedule

The employee may take FMLA leave in 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 hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if that position better accommodates an intermittent or reduced schedule, when the employee's or a family member's leave is foreseeable and involves planned medical treatment, recovery from a serious health condition, or care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

Only the amount of leave actually taken is counted toward the 12 or 26 weeks of leave.

IX. Certification of Serious Health Condition for Employee or Family Member:

The college requires certification of a serious health condition by a health care provider to support a request for leave. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification will result in a denial of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition and can be provided by the Office of Human Resources.

The college has a right to ask for a second opinion if it has reason to doubt the certification. The College will pay for the employee to get a certification from a second doctor, whom the College will select. If necessary to resolve a conflict between the original certification and the second opinion, the College will require the opinion of a third doctor. The College and the employee will jointly select a third doctor, and the college will pay for the opinion. This third opinion will be considered final.

With the employee's consent, the Office of Human Resources may directly contact the employee's health care provider for verification or clarification purposes. Before the Office of Human Resources makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the College will obtain the employee's permission for clarification of individually identifiable health information.

X. Recertification

The College may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the College may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The College may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

XI. Military-Related Leave Certification and Recertification

The College requires employees requesting military-related FMLA leave—whether for a qualifying exigency or to care for a covered servicemember with a serious injury or illness—to provide appropriate certification supporting the need for leave. Employees must submit the required certification within 15 days of the College’s request or provide a reasonable explanation for any delay. Failure to provide timely certification may result in the denial of continued FMLA leave.

The College will not request any recertification or second opinions for military-related FMLA leave.

XII. Requesting FMLA

Except where leave is not foreseeable, the employee must submit a FMLA request to their immediate supervisor and the Office of Human Resources office thirty days prior to the start of requested leave. If an employee is undergoing planned medical treatment, they must make a reasonable effort to schedule the treatment to minimize disruptions to the college's operations. If it is not possible to give thirty days’ notice, they must give as much notice as practicable. If they fail to provide thirty days’ notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date the college receives notice. While on leave, the employee must report periodically to the Office of Human Resources regarding the status of the medical condition and their intent to return to work.

XIII. FMLA Designation

Employees who are absent for more than three consecutive workdays due to their own medical condition, or the condition of a qualifying family member, are required to provide sufficient information so the College can determine whether the absence meets the definition of a serious health condition under the FMLA. When the absence qualifies, the College will automatically designate it as FMLA leave.

Related Policies or Procedures:

[Sick Leave Policy 2.14](#)

[Worker’s Compensation Policy 2.11](#)

Compliance References:

<https://www.dol.gov/agencies/whd/fmla>

History:

	Date:	Reason:
Issued:	06/17/97	Original Policy 6.7.1 was reviewed and approved by Board of Trustees
Revised:	04/21/09	Revised
Revised:	04/21/26	Revised

This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy covering specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.