

Leave Benefits Policy and Procedures	BOT Approved: 9/16/2015 Revised: 4/26/2016 Revised: 8/4/2016 Revised: 12/15/16 Revised: 2/2/2017 Revised: 7/1/2017 Revised: 7/2/2018 Revised: 7/1/2019 BOT Revised: 7/1/2020
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I. Philosophy and Scope

Frederick Community College (“FCC” or the “College”) recognizes that family or individual circumstances, official judicial or military obligations, and/or professional growth opportunities may require absence from the work place. The College promotes employee health, wellness, and professional growth by providing leave benefits. All leave requires the appropriate documentation and supervisory authorization, and the College reserves the right to request verification of the purposes for which leave is taken.

Eligibility for leave benefits is defined under each leave category.

This policy applies to all regular benefit eligible employees. Auxiliary employees should refer to the [Auxiliary Benefits Policy and Procedures](#).

The College complies with all Federal and State medical leave laws. Labor law posters are prominently displayed in all College buildings. Employees should contact the Office of Human Resources for additional information.

II. Definitions for the Purpose of this Policy and Procedures

- A. **“Leave”** refers to a period of time that an employee is absent from work with or without pay, each type having its own requirements as outlined herein.
- B. **“Family Medical Leave Act” (FMLA)** is the federal law that provides employees with up to 12 weeks (or 420 hours) of unpaid, job protection for their own serious health condition; the serious health condition of a spouse/domestic partner, dependent child, or parent of the employee; the birth, adoption or foster placement of a child with the employee; or for a qualifying exigency.
- C. **“Non-FMLA illness”** refers to an illness, injury, medical visits, or hospitalization of an employee that has not met the eligibility criteria for the Family Medical Leave Act (FMLA) or for a non-immediate member of the employee’s family.
- D. **“Medical Certification”** refers to documentation from a healthcare provider and may include a doctor’s note or the Certification of Health Care Provider for Serious Health Condition required under the FMLA.
- E. An **“Unpaid Leave of Absence”** is an approved leave of absence that exceeds thirty-five (35) hours, but is less than one (1) year in duration.

III. Annual Leave

Eligible full-time regular administrators and full-time regular support staff will receive twenty (20) days (140 hours) of annual leave per year, which is earned monthly. All employees who are part-time regular administrators and part-time regular support staff who work at least 17.5 hours per week are eligible for a prorated share of annual leave.

Annual leave is unearned until the employee works the hours necessary to accrue the time. With the approval of the Senior Leader, unearned leave time may be used in

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advance. If an employee separates from employment before the end of the fiscal year, unearned leave time that has been used will be deducted from the employee's final pay.

Annual leave requests must be submitted and approved by the employee's direct supervisor in advance. Supervisor approval is based on a determination that the leave does not interfere with the ability of the requestor to meet essential work demands. The requestor is not required to provide a specific reason for taking the leave.

Annual leave requests for five (5) or more consecutive workdays must be submitted and approved by the employee's direct supervisor at least two (2) weeks in advance. In extenuating circumstances, the supervisor may approve annual leave requests submitted less than two weeks in advance. Annual leave in excess of ten (10) consecutive workdays must also be approved by the Senior Leader.

Annual Leave Accumulation

For regular employees hired and working after 6/30/87:

Annual leave may be accumulated to a maximum of thirty (30) working days (210 hours) (prorated for regular part-time staff). When the maximum number of days has been accumulated no additional days shall be credited to the employee until enough leave has been used to reduce the accumulation below thirty (30) days (210 hours). There is no cash payout of unused annual leave upon separation from employment.

For regular employees hired and working prior to 7/1/87:

Annual leave may be accumulated to a maximum of forty (40) working days (280 hours, prorated for regular part-time staff). When the maximum number of days/hours has been accumulated no additional days shall be credited to the employee until enough leave has been used to reduce the accumulation below forty (40) days (280 hours). Upon separation from employment, the employee is entitled to be paid at the current compensation rate for each day of accumulated leave to a maximum of thirty (30) days (210 hours).

IV. Personal Leave

With the supervisor's approval, full-time regular administrators and full-time regular support staff may use up to two (2) days (14 hours) of personal leave per fiscal year (prorated for part-time regular employees. Personal leave is allocated and available for use for any reason beginning July 1 of each year. This personal leave may be used during the fiscal year and may not be carried over from year to year. Unused personal leave is not paid out upon separation from employment.

V. Sick Leave

All full-time regular administrators, full-time regular support staff and full-time faculty are eligible for sick leave. All employees who are part-time regular administrators and part-time regular support staff who work at least 17.5 hours per week are eligible for a prorated share of sick leave.

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Sick leave is earned at a rate of one (1) day (7 hours) of sick leave for each month worked. Sick leave for regular part-time employees is accrued on a prorated basis.

Sick leave may be used for employee illness, injury, medical visits, hospitalization, or preventative health care. Employees may use sick leave under the provisions of the Family and Medical Leave Act (FMLA) policy consistent with applicable laws.

Employees also may use sick leave for the non-FMLA illness, injury, medical visits, or hospitalization of an immediate family member when the presence of the employee is necessary.

The College abides by the Maryland Healthy Working Families Act for part-time employees who regularly work twelve (12) or more hours per week.

Employees using sick leave shall notify their supervisor of illness at the beginning of the first day of absence and must keep their supervisor informed daily of their status or when a return to work is anticipated. A physician's statement attesting to the illness, injury or disability must be provided to Human Resources if absence from work continues for more than five (5) consecutive workdays (with the exception of approved FMLA leave).

In cases of suspected sick leave abuse, a supervisor may require an employee at any time to provide medical documentation for each day of sick leave.

Sick Leave Accumulation

Accumulated sick leave may be carried over from year to year without limit. Upon separation from employment, there is no cash payout for accumulated sick leave for employees hired on or after July 1, 1985.

An employee hired on or before June 30, 1985 who retires, or the employee's beneficiary if the employee dies during active service, shall receive terminal pay at the rate of 40% of accumulated sick leave, up to 120 days of accumulated leave, at the regular rate of pay. To be eligible, the qualified employee must have served five (5) consecutive years at the College. Payment does not apply if employment terminates for reasons other than retirement or death.

Sick Leave Bank

Full-time regular administrators and support staff, part-time regular administrators and support staff working at least seventeen and one-half (17.5) hours per week, and full-time faculty are eligible to participate in the Sick Leave Bank after continuous employment for twelve (12) months. The Sick Leave Bank is administered in accordance with the [Sick Leave Bank Policy and Procedures](#).

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VI. Leave Usage During Inclement Weather Closures

All employees normally scheduled to work on a day the College is closed for inclement weather will be compensated at their regular rate of pay. Essential personnel who are scheduled to work on a day the College is closed for inclement weather will be compensated at two and one-half times (2 ½) their regular rate of pay.

If an employee has approved leave for a day in which the College is closed for inclement weather, the leave may be rescinded upon notification to the Payroll Office by the employee's direct supervisor. See the [Inclement Weather/College Closing Policy and Procedures](#) for additional information on leave usage during inclement weather.

VII. Bereavement Leave

All full-time regular administrators, full-time regular support staff and full-time faculty are eligible for bereavement leave. All part-time regular administrators and part-time regular support staff who work at least seventeen and one-half (17.5) hours per week are eligible for a prorated share of bereavement leave.

The College provides up to four (4) days (28 hours) of paid leave per instance to eligible employees when a death occurs in the family. Family for the purposes of bereavement leave includes: spouse/domestic partner, parents, children, siblings, grandparents, and grandchildren, (including all step and in-law relationships). The employee may submit a request to use bereavement leave for other family members not included on this list to the direct supervisor, subject to Senior Leader approval.

The College may request appropriate documentation before paying for the leave. Bereavement time may be extended as necessary with the use of earned annual or personal leave subject to supervisor approval.

VIII. Holidays and Scheduled College Breaks

The College provides paid time off to all full-time regular administrators, full-time regular support staff, part-time regular administrators, part-time regular support staff, and full-time faculty on the following holidays and scheduled breaks as listed on the official calendar as approved by the Board of Trustees. Employees are paid for the following holidays and scheduled breaks that fall during their normal working schedule.

Holidays

July 4 *
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
New Year's Day
Dr. Martin Luther King, Jr. Day
Memorial Day

College Breaks

Winter Break (varies by annual calendar)
Spring Break (3 workdays)

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* If July 4 falls on a Saturday, Friday is designated as the paid holiday. If July 4 falls on a Sunday, Monday is designated as the paid holiday.

The College does not officially observe religious holidays; however, the College will strive to accommodate employees who wish to use leave or alter their normal work schedule to observe their religious holidays.

The FCC Holiday and College Break dates may be found on the official calendar approved by the Board of Trustees.

Support staff assigned to work on an FCC scheduled holiday or during College breaks as defined on the official College calendar will receive two and one-half (2½) times their regular rate of pay for hours worked.

PTVS employees required to work on an FCC scheduled holiday or during College breaks as defined on the official College calendar will receive one and one-half (1½) times their regular rate of pay for hours worked.

IX. Jury Duty/Court Attendance

Jury duty or court attendance leave provides time off to full-time and part-time regular employees to fulfill their civic responsibility when summoned. Employees who are summoned for jury duty or summoned to court for other than personal reasons, will receive normal compensation during the period of absence from the College. To be compensated, the employee must remit to the College all compensation paid to the employee for jury duty or court attendance (except for reimbursement for mileage and meals).

Employees must submit to their supervisor a copy of the summons to service as soon as practicable after it is received. Employees are expected to return to work when they are released. In addition, proof of service must be submitted to the supervisor when the period of jury or court attendance is completed.

X. Unpaid Leave

With supervisor approval, part-time regular and full-time regular employees may be granted up to thirty-five (35) hours of unpaid leave per fiscal year. Unpaid leave beyond thirty-five (35) hours may be granted with senior leader approval however an unpaid leave of absence may not exceed one (1) year.

For a medical related leave of absence, all accrued leave must be used before unpaid leave begins. For a nonmedical leave of absence, all accrued annual and personal leave must be used before unpaid leave begins. Leave accruals are not earned during non-FMLA unpaid leave. An employee on an unpaid leave of absence of more than thirty (30) days may elect to continue their benefits by paying the full cost, including the share ordinarily paid by the College.

Upon approval of an unpaid leave, employees who are members of the Maryland State Retirement Agency (MSRA) shall complete the MSRA's application to be placed on a

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[Qualifying Leave of Absence form](#). Employees may elect to purchase service credit at the time of retirement for prior unpaid leaves that are qualified by the MSRA. To purchase service credit, employees shall complete the MSRA's [Request to Purchase Previous Service form](#).

Employees on an unpaid leave of absence will be eligible to return to a vacant position for which the employee is qualified, however there is no guarantee that the employee will return to the same position held prior to the absence, at the same status, at the same rate of pay, or that a position will be available. If during an unpaid leave of absence, the supervisor and senior leader determine that the employee's former position can no longer be held, the employee shall be notified in writing and shall have the right to return to work within fifteen (15) working days from receipt of the notice.

Failure to return to work as agreed upon will be considered a voluntary resignation effective the day on which the employee's leave of absence was to end.

Probationary employees who have been granted an unpaid leave of absence will have their probationary period extended equivalent to the length of unpaid leave taken upon their return to work.

Employees who have been approved to utilize the Sick Leave Bank and who have exhausted all available paid leave will be granted additional unpaid leave during the first thirty (30) consecutive workdays of illness or injury in accordance with the [Sick Leave Bank Policy and Procedures](#).

XI. Military Leave

Orders activating a service member to military duty must be provided to the direct supervisor, Senior Leader, and Human Resources.

Mandatory Military Reserve Training

Full-time and part-time regular employees who participate in required military service training, including inactive duty training for the organized Maryland Militia, are entitled to a leave of absence from duties, without loss of pay, time, or performance rating not to exceed fifteen (15) working days annually. Employees will be paid the difference between their College base pay and the total military or militia pay and allowances (exclusive of those for travel and uniforms). Employees will not be required to use annual leave for this period. Employees must provide the Office of Human Resources with a copy of their activation orders in advance of their service.

Active Duty Call-up

In the event an employee is ordered to active duty, including employees in the organized militia called to State active duty, the employee will be paid the difference between their College base pay and the total military pay and allowances (exclusive of those for travel and uniforms) for a maximum period of ninety (90) days per year without loss of time or performance rating. The employee must provide to the Office of Human Resources with a copy of their activation orders in advance of their service.

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All College-provided medical and dental benefits in effect immediately prior to active duty call-up will remain in effect for up to ninety (90) days. Such benefits will then cease as of the end of the month in which continued base pay ends. Applicable Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage shall then be made available to the employee and to eligible dependents.

Reinstatement Rights

Full reinstatement rights shall be extended to employees returning from active military duty as stipulated under the Uniformed Services Employment and Reemployment Rights Act (USERRA). For the purposes of determining longevity, pay, or pay advancement, the status of the employee will be considered uninterrupted by military service. Human Resources should be contacted with any questions or concerns regarding compliance with USERRA.

XII. Sabbatical Leave

Sabbatical leave may be granted on a limited basis, contingent upon the availability of funding and Board of Trustees approval, to those regular full-time administrators and full-time faculty who have completed six (6) continuous years of service at the College. Sabbatical eligibility is also dependent on the completion of six (6) successful continuous years of employment at the College in the employee category in which they are applying, during which the employee's overall performance met or exceeded expectations.

Full-time faculty and full-time administrators must verify eligibility for sabbatical with the Office of Human Resources prior to submitting the Application for Sabbatical Leave. Human Resources will verify eligibility based on years of service and performance criteria.

Full-Time Faculty Sabbatical Leave

Sabbatical leave for faculty may be granted for a period of one (1) academic year at one-half of annual salary or for one-half of an academic year at full salary.

Sabbatical categories, guideline information, and criteria for eligible full-time faculty are available from the Office of the Provost/Executive Vice President (EVP) for Academic Affairs, Continuing Education, and Workforce Development (AACEWD).

Full-time faculty must submit the Application for Sabbatical Leave form to their Department Chair by October 15 of the academic year prior to the requested sabbatical. The Department Chair will review the sabbatical proposal and submit a recommendation to the Provost/EVP for AACEWD. The Provost/EVP for AACEWD will convene a committee to review the eligible applications/proposals and recommend final candidates for sabbatical leave to the Provost/EVP for AACEWD. The Provost/EVP for AACEWD will forward committee recommendations to the Senior Leadership Team (SLT). All faculty sabbatical leave must be approved by the SLT and the Board of Trustees.

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Faculty on approved sabbatical leave may have their salaries reduced to reflect compensation received during the sabbatical leave from other sources (e.g. grants-in-aid, fellowships, or scholarships).

Upon conclusion of the sabbatical leave, full-time faculty must complete one (1) full year of employment with the College or repay the salary received during their leave.

Full-Time Administrator Sabbatical Leave

Sabbatical leave for administrators may be granted for a period of one (1) year at one-half of annual salary or for one-half of a year at full salary.

Sabbatical leave for administrators is for the purpose of demonstrably improving professional capabilities, knowledge, and increased contributions to the College and may include independent study, travel, research, or formal study resulting in the completion of a certificate or degree program.

Full-time administrators must submit the Application for Sabbatical Leave to their direct supervisor by September 1 of the fiscal year prior to the requested sabbatical. The direct supervisor will review the sabbatical proposal. If the direct supervisor supports the proposal, they will prepare a coverage plan in consultation with the requesting administrator, which will include all cost factors associated with the leave including filling the vacated position and/or reassigning duties on a temporary basis for budget planning purposes. The direct supervisor will submit the sabbatical proposal and coverage plan to the Vice President (VP) for Human Resources. The VP for Human Resources will convene a committee to review the eligible applications/proposals and recommend final candidates for sabbatical leave to the VP for Human Resources.

The VP for Human Resources will forward committee recommendations to the Senior Leadership Team (SLT). All administrator sabbatical leave must be approved by the SLT and the Board of Trustees.

Administrators on approved sabbatical leave may have their salaries reduced to reflect compensation received during the sabbatical leave from other sources (e.g. grants-in-aid, fellowships, or scholarships).

Upon conclusion of the sabbatical leave, administrators must complete one (1) full year of employment with the College or repay the salary received during their leave.

XIII. Organ and Bone Marrow Donation Leave

The College complies with the State of Maryland Organ and Bone Marrow Donation Leave laws. An employee is eligible for Organ and Bone Marrow Donation Leave if they have worked for the College for at least 12 months and at least 1,250 hours during the previous 12 months. Human Resources will make the determination concerning whether or not leave is covered under the Organ and Bone Marrow Donation Leave upon receipt of medical certification.

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XIV. Family and Medical Leave

The College complies with State of Maryland and Federal Family and Medical Leave laws. All employees must consult with the VP for Human Resources or designee before going on Family and Medical Leave, or as soon as possible if due to an emergency or unforeseeable circumstance. Taking leave under this policy will not be used against an employee in any employment decisions including the determination of raises or discipline.

There may be times when an employee uses leave provided by the College which will qualify as Family and Medical Leave even though the employee has not specifically applied for Family and Medical Leave. The College has the right to designate such absences as Family and Medical Leave if the leave used is no more restrictive than that provided by law. It is the responsibility of the supervisor to notify Human Resources of all absences of more than three (3) days for sickness that may fall under the Family and Medical Leave Act (FMLA). Human Resources will make the determination concerning whether or not leave is covered under the FMLA upon receipt of medical certification. If an employee's absence is designated as Family and Medical Leave, they will be notified in writing by the VP for Human Resources or designee.

Eligibility

An employee is eligible for Federal Family and Medical Leave if they have worked for the College for at least twelve (12) months and at least 1,250 hours within the previous twelve (12)-month period. The FMLA provides for up to twelve (12) weeks of unpaid, job-protected leave during any twelve (12)-month period to eligible employees for their own serious health condition; the serious health condition of a spouse/domestic partner, dependent child, or parent of the employee; the birth, adoption or foster placement of a child with the employee; or for a qualifying exigency. FMLA leave taken in the prior twelve (12) months will be included in the total of twelve (12) weeks (or twenty-six (26) weeks when applicable) available under the FMLA. The employee will be required to use all available sick, annual, and personal leave during FMLA before unpaid leave is granted.

For the purposes of this policy, a dependent child is a child under the age of eighteen (18) who is the biological or step child of the employee, who is adopted by the employee, or whom the employee is legally responsible. A child over the age of (18) who is incapable of self-care because of a mental or physical disability, or who incurs a serious health condition which renders them incapable of self-care, is also considered a dependent. A parent is the individual who assumed day-to-day and financial responsibility for the employee when the employee was a child. Domestic partners, while not covered by the Law, will be included by the College provided that the partner is identified on an FCC Domestic Partner Declaration form.

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or called to covered active duty status may use their twelve (12)-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial

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and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

In addition, eligible employees may take up to twenty-six (26) weeks of unpaid leave to care for a covered service member during a single twelve (12)-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

**The FMLA definition of “serious injury or illness” for current service members and veterans are distinct from the FMLA definitions of “serious health conditions.”*

Intermittent Leave or Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. Intermittent leave may or may not be regularly scheduled. A reduced leave schedule is a leave schedule that reduces an employee’s usual number of working hours per work week, or hours per workday. Employees must give a thirty (30) day notice for intermittent FMLA leave that is foreseeable, or as much notice as practicable if it is not possible to give a thirty (30)-day notice. If the need for intermittent FMLA leave is unforeseeable, the employee must give notice as soon as practicable. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the College. An employee may request intermittent FMLA for the birth or adoption of a child. However, such requests may not be granted in all instances.

Notice and Certification

The College administers its twelve (12)-month period for the federal FMLA on a rolling backward schedule (twelve (12) months measured backwards from the date of any FMLA usage). An employee wishing to take FMLA leave must notify Human Resources, who will determine the employee’s eligibility and provide the employee with the necessary paperwork. When the leave of absence is foreseeable, the College requests employees give a thirty (30)-day notice. If it is not possible to give a thirty (30)-day notice, the employee must give notice as soon as practicable.

The College will require medical certification to support a request for leave due to a serious health condition, and may require second or third opinions (at the expense of the College). It is not necessary for an employee to disclose the nature of the “serious health condition” to their supervisor or to the VP for Human Resources or designee. Medical certification from the employee’s health care provider will serve to confirm eligibility for medical leave.

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Benefits During Leave

During FMLA leave, the employee's group health benefits, life insurance, and long-term disability insurance will be maintained, provided that the employee continues to pay the required employee premium contributions during the leave.

If a required employee contribution is more than (thirty) 30 days late, the employee's health care coverage will terminate. Additional information regarding premium payments will be provided by Human Resources upon an employee's request for leave.

Return to Work

In the case of an employee's own serious medical condition, a return-to-work certification signed by the physician or health care provider is required before an employee may return to work.

If an employee wishes to return to work before the leave was originally forecasted to end, the employee must notify Human Resource at least two (2) days prior to the desired return date.

An employee returning from FMLA leave will be reinstated to the employee's prior position, or if that position is no longer available, an equivalent position with the same pay, benefits, and other terms and conditions of employment. The employee's benefits will also be reinstated upon return from FMLA leave as though a leave had not been taken.

Failure to Return after FMLA Leave

If an employee, without approval from the VP for Human Resources, does not return from FMLA leave on the day indicated on the original application or in any approved change of that date, the employee will be considered to have voluntarily resigned from employment with the College as of the day on which the employee's FMLA was to end. In the event this occurs, the College reserves the right to collect from the employee any employer-paid benefit payments made while the employee was on leave, unless the employee's failure to return to work is due to circumstances outside of the employee's control (e.g., the continued serious health condition prevents a return to work).

Extended Absences beyond FMLA Leave

When FMLA leave expires, an extended absence occasioned by the employee's serious health condition may be granted, if approved by the President. For eligible employees with a disability covered under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, extended leave may be granted, if appropriate, following an interactive conference to determine whether accommodations are reasonable. In either situation, if an employee is on an extended absence following the expiration of FMLA leave, the employee will be eligible to return to a vacant position for which the employee is qualified, but there is no guarantee that the employee will return to the same position held prior to the absence or at the same rate of pay, or that any other position will be available. If extended leave is granted, any accrued leave that is remaining at the end of the FMLA leave period must be used before unpaid leave begins. When unpaid leave

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begins, health benefits will cease and the employee may elect COBRA benefits at their expense.

Failure to Meet Policy Requirements

If an employee fails to meet the requirements prescribed in this Policy, the request for FMLA may be denied or delayed until all requirements are met.

Records

Sick leave, FMLA documentation and medical certifications contain protected health information and will be kept confidential and retained by the Office for Human Resources.

Emergency FMLA Provision

The College complies with the federal regulations to provide emergency FMLA for families affected by the COVID-19 pandemic. An employee who has worked a minimum of thirty (30) days is eligible for this leave if unable to work or telework due to the need to care for a minor child because school or child care is closed due to a public health emergency. Eligible employees may receive up to twelve (12) weeks of FMLA and some leave time may be paid. Employees should contact Human Resources for additional information and eligibility requirements.