Policy Id:
HR.012 - Family Medical Leave Policy

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**FAMILY MEDICAL LEAVE POLICY:**

Prior to granting the employee authorization to use leave accruals for a possible FMLA qualifying event, the College Personnel Director must review and approve all documentation in support of leave request to determine: 1) If your request is for a qualifying event; 2) If all required documentation has been submitted and approved; 3) If your usage of the Family Medical Leave allocation during the current University defined leave year permits the leave time; and 4) If your leave, dependant on permissible accrual usage, will be taken with or without pay.

Upon approval of leave by the College Personnel Director, paid leave accruals must be used prior to granting of unpaid leave. Both paid and unpaid FMLA leave are counted collectively as part of the maximum twelve (12) week entitlement within the September 1-August 31 FMLA leave year.

Any approved leave for illness granted under the University’s temporary disability leave provisions which extends beyond five days will be counted as part of the employee’s FMLA entitlement, if it qualifies. Authorized absences for medical reasons, paid or unpaid, anticipated or unanticipated, which extend for more than five days will be counted as FMLA leave from the beginning of the absence. A notification of such absences must be made to the College Human Resource Director. However, such notification, whether oral or written, does not amend or change the continuance of any and all internal college, Board of Trustees, CUNY Rules and Regulations, or contractual notification requirements currently in effect.

**Eligibility:**

Covered employees are eligible for Family Medical Leave if they have worked for the college for a total of 12 months and for at least 1,250 hours during the year preceding the effective date of the leave. The leave year for determining usage of the 12 week entitlement shall be the Academic Year: September 1 through August 31.
Anticipated Absences:
For anticipated absences a written request to cover such absences must be submitted to the college personnel director at least thirty (30) days before leave is to begin. However, such written application does not amend or change the continuance of any and all internal college, Board of Trustees, CUNY Rules and Regulations, or contractual notification requirements currently in effect. For unanticipated absences the College Personnel Director must be notified when the absence is expected to continue, or has extended beyond three calendar days.

Oral Notifications:
In instances where oral notification is given first, it must be followed up by a written request. Failure to comply or submission of an incomplete request in a timely manner may result in the leave being delayed or denied.

Unanticipated Absences:
For unanticipated absences, notice must be given when the absence is expected to continue, or has extended beyond three (3) calendar days. For anticipated absences this application should be submitted at least thirty (30) days before leave is to begin. The College Human Resource Director may request the submission of medical certification. If required to submit medical certification, it must be presented within fifteen (15) days of request. Failure to comply in a timely manner may result in the leave being delayed or denied.

Permissible Reasons for Taking FMLA Leave:

1. For birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption of foster care;
3. To care for the employee’s spouse, domestic partner, son, daughter, or parent with a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the essential functions of his/her job.

   • Circumstances relating to the fact that an employee’s spouse, son, daughter, or parent is on, or has been called to, active duty in the National Guard or Reserve branches of the Armed Forces or is in a regular component of the Armed Forces deployed to a foreign country;
   • Employee who is caring for a spouse, son, daughter, parent, or next of kin who is a seriously injured or ill service member, or a veteran service member if the veteran had been an active member of the Armed Forces (including the National Guard or Reserves) at any time during a five-year period prior to medical treatment, recuperation or therapy.**