



<b>CHAPTER 2</b>	<b>SECTION NO.</b>
College Personnel – Personnel General	2.13
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2.13.19.03 Family & Medical Leave	<i>Reviewed: September 14, 2010; July 12, 2011, June 13, 2023</i>
	<i>Revised: July 12, 2011, June 13, 2023</i>

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In accordance with the Family and Medical Leave Act of 1993, Kishwaukee College will grant job protected, unpaid family and medical leave to eligible male or female employees for up to 12 weeks per 12-month period (measured forward from the first day the employee uses FMLA leave) for any one or more of the following reasons:

- The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee)
- In order to care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
- Eligible employees with a spouse, son, daughter or parent on active-duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling session and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Please consult with the Director of Human resources for information regarding the definition of a covered service member.

College employees must consult with the Director of Human Resources to implement the necessary procedures to obtain Family and Medical Leave or Military Family Leave approval. Employees covered by a collective bargaining agreement will have this policy administered consistent with their respective agreements. If no contractual agreement is binding regarding leave under FMLA, the College shall allow the employee to use accrued paid time off while on an FMLA leave.

**Eligibility:**

- The employee must have worked at least twelve (12) months for the College
- The employee must have worked at least one-thousand (1,000) hours for the College during the twelve (12) months before the leave would commence



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**Length and Duration of Leave if Eligible for FMLA:**

- The employee may receive up to 12 work weeks during a “rolling” 12-month period, measured forward from the date an employee first starts FMLA leave. Holidays would be counted against the FMLA leave but would be paid if accrued paid time has not been exhausted
- When the leave involves the birth or placement of a child for adoption or foster care, the leave must be concluded within twelve (12) months of the birth or placement of the child
- If both a husband and wife are College employees and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care or to care for a parent (but not a parent “in-law”) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the College and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave

**Intermittent Leave:**

- The leave may be taken in blocks of time or by a temporary reduction in the employee’s normal work schedule. Intermittent leave may be taken when it becomes medically necessary for them to care for a seriously ill immediate family member or because the employee is seriously ill and unable to work. It may also involve a temporary reassignment for better accommodations. The College may at its discretion, allow intermittent leave for a period not to exceed three months to care for a newly born child or placement of a child for adoption or foster care

**Use of Accrued Paid Time Off:**

- The employee must use accrued paid time off during the FMLA leave if it is available to the employee and if the employee is not bound by the terms of a contractual agreement. The sequence of paid time off usage would be sick leave days, personal leave days, vacation time and lastly compensatory (comp) time
- Any paid time off will be deemed to run concurrently with the employee’s FMLA leave entitlement

**Health Benefits:**

- During the twelve weeks of FMLA, the College will maintain health and life insurance coverage as long as the College provided such coverage prior to the FMLA leave. The employee will be responsible for any premium payments normally paid by the employee if in a working status, such as optional life insurance, etc.

**Return to Work:**

- When an employee returns from FLMA leave, the employee is normally entitled to return to his/her original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment

**Notice and Medical Certification:**

- Employees requesting FMLA leave are required to provide a 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practical
- The College may also require employees to provide:
  - medical certification
  - Second medical opinion, paid for by the College and with a physician of the College’s choosing
  - Periodic reports during FMLA leave regarding employee’s status and intent to return to work

An employee who is on medical leave will be kept on the payroll until paid benefit hours are exhausted or one year from the last day worked, whichever is longer. Employees covered by a collective bargaining agreement will have this policy administered consistent with their respective agreements.