

#### **IV. PERSONAL LEAVES**

*Please note: For medical leaves, including the birth of a child, please consult Section I-II-K (Short-Term Disability Insurance) and Section I-II-L (Long-Term Disability Insurance). Also, for leaves related to professional development, refer to section II-VIII (Leaves Related to Professional Development).*

##### **A. Family and Medical Leave (FMLA)**

This policy statement is a summary of the Family and Medical Leave Act (FMLA) of 1993. The FMLA is specific in its scope of coverage and will be the determining factor in final interpretation of leave provisions. An employee should contact the Human Resources Office for information about specific situations.

To be eligible for FMLA leave, an employee must: (i) have been employed by the College for at least 12 months; (ii) have worked at least 1,250 hours during the 12-month period immediately preceding the first day of leave; and (iii) work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

FMLA leave is intended to run concurrently with the provisions of College sick leave policy, New York State Disability Insurance, Workers' Compensation Insurance, Long Term Disability Insurance, and/or accrued personal and vacation time. The provisions of this policy apply only to family and medical leave circumstances covered by the FMLA. The provisions for personal leave of absence under other existing College policy are not changed and cannot be substituted for the provisions covered by the FMLA.

To the extent allowed by law, an employee on an approved FMLA leave will be required to use all accrued, unused vacation, sick and personal days during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay. During an approved FMLA leave, the employee will remain covered under the College's health insurance plans on the same conditions as coverage would have been provided had the employee not been on leave; provided the employee continues regular contributions. Upon requesting a leave, an employee will be advised of the procedures for making his or her health care premium contributions during the leave period. If the employee fails to return to active employment for at least 30 calendar days after an unpaid FMLA leave, the College may exercise its right to recover its share of health insurance premiums from the employee, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control. Other benefits (such as retirement, life insurance, and long-term disability) will be governed by the terms of each benefit plan.

An employee who returns from an approved FMLA leave will retain the same benefit status he or she held prior to going on leave. Use of FMLA leave will not result in the