



**Cochise College  
District Board Policy**

**Category: All Employee Groups  
Policy Number: 632  
Title: Family and Medical Leave**

In accordance with the Family and Medical Leave Act (FMLA), Cochise College provides eligible employees time off for family and medical leave as authorized by the law.

**Procedure: 632.1  
Eligibility**

To be eligible for designation under the FMLA, an employee must meet all of the following conditions:

- a. Must have completed 12 months or 52 weeks of continuous employment with the College at the time of the request.
- b. Must have worked a minimum of 1,250 hours in the 12 month period immediately preceding the scheduled commencement date of the leave.
- c. Must be employed at a facility where the College employs fifty or more employees or where the College employs fifty or more employees within 75 miles of that facility.

**Procedure: 632.2  
Basic Leave Entitlement**

Covered employees shall be provided up to 12 weeks during a rolling 12 month period of unpaid, job-protected leave to eligible employees. The rolling 12 month period begins the first day of FMLA leave and marks the beginning of the leave entitlement for that year. FMLA leave may be used for the following reasons:

- a. For incapacity due to pregnancy, prenatal medical care or child birth.
- b. To care for the employee's child after birth, or placement for adoption or foster care.
- c. To care for the employee's legally recognized spouse, child or parent with a health condition defined as serious by the Family and Medical Leave Act.
- d. The health condition of the employee defined as serious by the Family and Medical Leave Act that makes the employee unable to perform the employee's job.

**Procedure: 632.3**  
**Basic Leave Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Procedure: 632.4**  
**Military Family Leave Entitlement**

Eligible employees whose legally recognized spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use the 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 sessions, 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 servicemember during a rolling 12 month period. The rolling 12 month period begins the first day of FMLA leave and marks the beginning of the leave entitlement for that year. The Family and Medical Leave Act define a covered servicemember as:

- a. 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
- b. 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.

**Procedure: 632.5**  
**Military Family Leave Definition of Serious Injury or Illness**

For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in

the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

**Procedure: 632.6**

**Use of Leave**

Leave can be taken in a block, intermittently, or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt college operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Procedure: 632.7**

**Employee Responsibilities**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and must comply with the normal call-in procedures in Policy 628 Sick Leave.

Employees must provide sufficient information for the college to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the college if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Procedure: 632.8**

**Responsibilities of Cochise College**

When a staff member has proposed a leave that may qualify for FMLA designation, the supervisor is expected to notify Human Resources, in writing via email or memorandum, so the College can provisionally designate the leave as Family Medical Leave. Human Resources will ensure proper forms and notification are sent to the employee.

Once forms from the employee and their health care provider have been received, Human Resources will determine if leave is eligible for FMLA designation. Human Resources will then notify the employee of the status of their request, affirming eligibility or the reason for ineligibility.

If the request is eligible for FMLA designation the employee will be provided with the amount of leave they are eligible for and the unused, accrued leave balances available to be used during the FMLA qualifying leave.

**Procedure: 632.9  
Use of Paid Leave**

- a. An employee shall use personal, annual leave and sick leave during an FMLA approved leave for a serious medical condition which will be included as part of the 12 week period provided by this policy.
- b. An employee shall use personal and annual leave during an FMLA approved leave to care for a family member or military family leave. Paid leave used during the FMLA leave will be included as part of the period provided by this policy.
- c. An employee may submit a Leave Donation Request form to extend the period of paid leave after exhausting all other forms of unused leave as outlined in Policy 658 Leave Donation.

**Procedure: 632.10  
Benefits Continuation**

During a covered FMLA leave, the College will continue to provide full coverage for health, basic life, vision and dental insurance at the level and under the conditions coverage would have been provided had the employee been continuously working or on paid leave. Normal employee contributions for dependent health, vision and dental benefits, as well as for any other voluntary supplemental life insurance, will be deducted from any payments made to the employee while on leave. If the employee has exhausted all paid leave and his/her insurance becomes unpaid, a member of Human Resources will contact the employee and review the available options for continuation of such benefits.

If an employee chooses not to return to work and does not stay with the College for at least thirty calendar days after an approved FMLA leave, the College may recover from the employee the cost of any payments made to maintain the employee's health insurance, unless the failure to return is because of a serious health condition or reasons beyond the employee's control.

All benefits that are based on accruals will cease to accrue during any period of unpaid FMLA leave.

**Procedure: 632.11  
Employment Protections**

An eligible employee who takes FMLA-protected leave is entitled to return to his/her former job or to an equivalent job with equivalent benefits, pay, and other terms and conditions of employment. However, no employee is entitled under this procedure to any right, benefit or position other than that to which the employee would have been entitled had he or she not taken FMLA leave. Thus, for example, if a staff reduction or some extenuating circumstance or business condition arises that affects the employee's position, reinstatement may not be possible.

Employees on extended medical leave, beyond the twelve week FMLA leave, are not guaranteed reinstatement; they are subject to the provisions of Leave of Absence Policy No. 631.

**Procedures 632.12  
Return from Leave**

Employees returning from leave will be reinstated to the same or an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment except as outlined under the Reduction in Force policy. Failure to return to work may result in termination of employment.

Employees returning from a leave for a serious health condition must also provide the College with a certification from a health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the leave should notify Human Resources and their supervisor in writing at least two weeks in advance. Supervisors should contact Human Resources to discuss alternatives prior to taking any action if an employee is unable to return to work.

In addition, except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned before using FMLA leave.