

MANUAL OF PROCEDURES

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PROCEDURE NUMBER: 2503A

PROCEDURE TITLE:

All Personnel: Personal Leaves of Absence

STATUTORY REFERENCE:

FLORIDA STATUTE §1001.64 (3)(6)(18) FAMILY AND MEDICAL LEAVE ACT OF 1993 ("FMLA"); FLORIDA STATUTE §741.313; 29 U.S.C. 2611 STATE BOARD OF EDUCATION RULES 6A-14.0247(6), 6A.14.0262(7)

BASED ON POLICY:

II-2 All Personnel: Personnel Actions and Levels of Appeals; II-28 All Personnel: Sick Leave; II-30 All Personnel: Personal Leaves of Absence

EFFECTIVE DATE:

November 8, 2005;

LAST REVISION DATE:

July 1, 2007; May 14, 2013

LAST REVIEW DATE:

November 8, 2005 **Family Medical Leave Act ("FMLA")**; July 1, 2007; May 14, 2013

I. Personal Leaves Without Pay

1. Personal leaves may be granted without salary for an extended period of time, not to exceed one year, including use of FMLA leave to employees eligible who find it necessary to be absent from normal duties for their own illness or the illness of a eligible family member, pregnancy, adoption, childbirth , paternity or if he/she, or a family or household member of the employee has been the victim of domestic violence. Other leaves may also be granted for personal reasons.
2. Full-time and eligible part-time employees may apply for Family medical leave under the Family and Medical Leave Act of 1993 (FMLA) subject to the requirements and the process set forth in the FMLA guidelines and related U.S. Department of Labor rules, and the Family Leave Ordinance (FLO) as authorized by Ordinances 91-142 and 93-118 of Miami Dade County.
 - A. Eligibility

An "eligible employee" is one who has been employed:

 - For at least twelve (12) months (does not have to be consecutive according to FMLA); and
 - For at least 1,250 hours during the previous twelve (12) months
 - B. Criteria

Family medical leaves are granted:

 - For employee's own serious health condition
 - For incapacity due to pregnancy, prenatal medical care, the birth of a child and to care for the newborn child;
 - For placement of a child for adoption or foster care; or

- To care for the employee’s spouse, registered domestic partner, child, parent, or grandparent with a serious health condition

C. Limitations

- Under Family Medical Leave eligible employees meeting the criteria are entitled to use a maximum of twelve (12) weeks of unpaid leave in any 12-month period.
- The twelve (12) month period will be calculated in a rolling (twelve) month period measured backward from the date of leave.
- Leave to care for an employee’s grandparent is provided under the FLO and shall be granted under the same terms and conditions as leave is permitted under the FMLA to care for a parent with a serious health condition.

3. Full-time and eligible part-time employees may apply for FMLA qualifying exigency or caregiver leave, subject to the requirements and the process set forth in the FMLA guidelines defined as Reserves, Regular Armed Forces, and National Guards

A. Eligibility

An “eligible employee” is one who has been employed:

- For at least twelve (12) months; and
- For at least 1,250 hours during the previous twelve (12) months

B. Criteria

FMLA leaves are granted:

- For an employee to take leave when a qualifying exigency arising out of the foreign deployment of a close relative on covered active duty or has been notified of an impending call or order to covered active duty.
- Covered active duty means:
 - For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
 - For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.
- Deployment to a foreign country includes deployment to international waters.
- For a qualifying exigency arising out of the fact that a spouse/domestic partner, son, daughter, or parent has been called to covered active duty in support of a contingency operation; or to care for a covered servicemember with a serious injury or illness. The employee must be the

spouse/domestic partner, son, daughter, parent, or next of kin of the covered servicemember. A covered servicemember is either:


- 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 in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or
 - A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.
- For a current servicemember, a serious injury or illness is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.
 - For an employee to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility
 - Close relative is defined as spouse, domestic partner, son, daughter, parent or next of kin

C. Limitations

- Under FMLA eligible employees meeting the criteria are entitled to use a maximum of twelve (12) weeks of unpaid leave in any 12-month period.
- The twelve (12) month period will be calculated in a rolling (twelve) month period measured backward from the date of leave.
- Eligible employees meeting the criteria are entitled to use a maximum of twenty six (26) work weeks of unpaid leave in a single 12 month period to care for an injured or ill servicemember.

- Employees who request qualifying exigency leave to spend time with a military member on Rest and Recuperation leave may take up to fifteen days of leave.
4. Full-time and eligible part-time employees who have been employed by the College may apply for personal leave if he/she, or a family or household member of the employee, has been the victim of domestic violence.
- A. Eligibility
- An “eligible employee” is one who has been employed by the College for at least three (3) months.
 - “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- B. Criteria
- Domestic Violence Leave is granted in order to:
- Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
 - Obtain medical care/counseling for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
 - Obtain services from a victim-services organization, including but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
 - Make the employee’s home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator;
 - Seek legal assistance or attend and prepare for court-related proceedings arising from the act of domestic violence.
- C. Limitations
- Full-time employees must exhaust all paid leave categories applicable to their position before use of this leave category is permitted.
 - Eligible employees meeting the criteria are entitled to use a maximum of three (3) days unpaid leave in any 12-month period.
 - The twelve (12) month period will be calculated in a rolling (twelve) month period measured backward from the date of leave.

- Except in cases of imminent danger to the health or safety of the employee, his or her family or household member, the employee must provide appropriate advance notice of the need for leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc.

	
	<i>5/14/2013</i>
PRESIDENT	DATE