

CITY COLLEGES[®] OF CHICAGO

City Colleges of Chicago (“CCC”) Family Medical Leave of Absence (“FMLA”) Guidelines

I. LEAVES

A. CCC Basic Leave Entitlements

- Eligible CCC employees are provided up to twelve (12) weeks of unpaid, job-protected leave on a rolling 12-month calendar basis for the following reasons:
 - Incapacity due to pregnancy, prenatal medical care or child birth;
 - To care for the employee’s child after birth, or placement for adoption or foster care;
 - To care for the employee’s spouse, son, daughter or parent, who has a serious health condition; or
 - For a serious health condition that makes the employee unable to perform his/her job at CCC.
- A “rolling” 12-month period is measured backward from the date an employee uses any FMLA leave.
- Using this method, CCC will look back over the last 12 months from the date of the employee’s leave request, add all FMLA time the employee has used during the previous 12 months and subtract that total from the employee’s 12-week leave allotment.

B. CCC Military Leave Entitlements

- Eligible CCC employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address 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.
- Also, FMLA includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is (1) 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 (2) 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.*
**The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.*

II. ELIGIBILITY REQUIREMENTS

- CCC employees are eligible for FMLA if they have worked at CCC for at least twelve (12) months, have 1,250 hours of service in the previous twelve (12) months, and if at least fifty (50) employees are employed by CCC within seventy-five (75) miles.

III. BENEFITS AND PROTECTIONS

- During FMLA leave, CCC will maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work.
- Upon return to work from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

IV. USE OF LEAVE

- An employee does not need to use this leave entitlement in one block.
- Leave can be taken intermittently or on a reduced leave schedule when medically necessary.
- Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt CCC’s operations.
- Leave due to qualifying exigencies may also be taken on an intermittent basis.

City Colleges of Chicago Family Medical Leave of Absence (FMLA) Guidelines (cont'd)

V. SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

- Eligible employees may choose or CCC may require use of accrued paid leave while taking FMLA leave.
- In order to use paid leave for FMLA leave, employees must comply with CCC's normal paid leave policies.

VI. 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.

VII. EMPLOYEE & EMPLOYER RESPONSIBILITIES

A. Employee

- Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable.
- When thirty (30) days notice is not possible, the employee must provide notice as soon as practical and generally must comply with CCC's normal call-in procedures.
- Employee must provide sufficient information for CCC 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;
 - A family member is unable to perform daily activities;
 - The need for hospitalization or continuing treatment by a healthcare provider; or
 - Circumstances supporting the need for military family leave.
- Employees must inform CCC if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- CCC may require employee to provide a certification and periodic recertification supporting the need for leave.

B. Employer

- CCC must inform employees requesting leave whether they are eligible under FMLA.
- If employee is eligible, CCC notice will specify any additional information required as well as the employees' rights and responsibilities.
- If employee is ineligible, CCC will provide a notice to employee with the reason for employee's ineligibility for FMLA leave.
- CCC will inform an employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement.
- If CCC determines that a leave is not FMLA-protected, CCC will notify the employee.

VIII. UNLAWFUL ACTS

- FMLA makes it unlawful for any employer to:
 - Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
 - Discharge or discriminate against any person for opposing and practice made unlawful by FMLA or for involvement in any proceeding under or relating FMLA.

IX. ENFORCEMENT

- Any employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
- FMLA does not affect any Federal, State or local law or collective bargaining agreement which provides greater family or medical leave rights.