



COLLEGE ADMINISTRATIVE PROCEDURE MANUAL

Procedure Title	Procedure Number	Page(s)	Date Adopted:
Family and Medical Leave	DECA - I	5	08/26/2025

BASED ON BOARD POLICY

Section	Policy Title	Policy Number	Date Adopted:
D- Personnel	Leaves and Absences: Family and Medical Leave	DECA	08/26/2025

PROCEDURES

Requests for FMLA must be submitted on MCC's Request for Leave form for the President's approval thirty days in advance of a foreseeable need for FMLA leave and within two days of an unforeseen need for FMLA leave. This form must be processed through the appropriate channels and signed by the President.

Upon approval of a request for FMLA leave the Human Resources Office and the employee will complete a MCC Employer Response to Employee Request for Family or Medical Leave in accordance with applicable regulations at the time of the request.

USE OF LEAVE

1. Employees will be required to take all of their accumulated paid leave, including approved leave from Catastrophic Illness or Injury fund and/or approved advanced sick leave, as part of their 12 weeks FMLA leave. If an employee has less than 12 weeks of accrued paid leave, the rest of the leave will be unpaid. Employees must substitute any accrued paid leave for any unpaid FMLA leave, as permitted by the FMLA regulations. Upon exhaustion of any accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period as defined herein.
2. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period which starts on the date of such birth or placement. Regardless of when such leave begins, it will end no later

than the end of the twelve (12) month period. Unless specifically permitted, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule. If both spouses are employed by the College, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period for purposes described in Board Policy DECA, Section I: General Provisions, Qualifying Reasons for Leave, Items 1 and 2. However, each employee may use up to twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is for the purposes described in Board Policy DECA, Section I: General Provisions, Qualifying Reasons for Leave, Items 3 through 6.

3. Employees who are receiving temporary disability benefit payments or workers' compensation benefits are not required to use paid leave while on FMLA leave. If the employee remains on FMLA leave after these benefits end, the employee will then be required to use available paid leave before using unpaid leave.
4. For employees who work part-time or variable hours, the FMLA leave duration is calculated on a pro rata or proportional basis.
5. Sick leave may only be taken in situations when such leave would normally be permitted.
6. FMLA leave runs concurrently with vacation leave or other paid or unpaid sick leave or other leave when the reasons for those leaves meet the FMLA criteria.
7. Employees may not be required to use compensatory time as part of an FMLA leave. If an employee chooses to use compensatory time, that time will not count as part of the 12 weeks of FMLA entitlement, although it may fall in the middle of an FMLA leave.
8. When a holiday falls during a week, the week counts as a full week of FMLA leave. However, when the College is closed for 5 consecutive working days or longer, such as the December holidays, those days will not count as FMLA time.
9. Subject to the limitations and certifications allowed by the FMLA, leaves taken under Board Policy DECA, Section I: General Provisions, Qualifying Reasons for Leave, Items 3 through 6 may be taken intermittently or on a reduced leave schedule when medically



necessary, provided a health care provider certifies the expected duration and schedule of such leave and provided further that where such leave is foreseeable based upon planned medical treatment. The employee may be required or may elect to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

10. Employees on leave are required to report periodically (once a week is recommended) on their status and their intention to return to work. Employees should be encouraged to keep their supervisors informed about their intention to return to work.
11. If the employee is ready to return from FMLA leave before the scheduled date for return, the employee is to notify MCC as soon as practical to request reinstatement.
12. Eligible employees will be required to furnish medical certification for a serious health condition. Employees granted FMLA leave based on a serious health condition will be required to present a fitness-for-duty certification prior to reinstatement.

If MCC finds reason to doubt the validity of the certification, MCC may require, at its own expense, a second medical opinion from a health care provider designated or approved by MCC but not regularly employed by MCC. Should the second opinion differ from the original certification provided by the employee, MCC, at its own expense, may require that the employee obtain a third opinion. The opinion of the third health care provider, designated or approved by both MCC and the employee, is final and binding on both MCC and the employee.