

**Procedure Title:** Family and Medical Leave Act, Oregon Family Leave Act  
**Procedure Number:** 03-2003-0005  
**Board Policy Reference:** IV.A.

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**Accountable Administrator:** Director, Human Resources  
**Position responsible for updating:** Director, Human Resources  
**Original Date:** July 1990  
**Date Approved by College Planning Council:** 01-20-21  
**Authorizing Signature:** *Signed original on file*  
**Dated:** 1-20-21  
**Date Posted on Web:** 1-22-21  
**Reviewed:** 12-20

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**Purpose/Principle/Definitions:**

Blue Mountain Community College (BMCC) will comply with all provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave for all eligible employees (contact the Human Resources Department for information regarding eligibility and coverage).

The Director of Human Resources will develop administrative procedures as necessary for the implementation of the provisions of both federal and state law.

The following provisions in the administration of the FMLA/OFLA are applicable:

- Family leave under federal and state law is generally unpaid. Prior to taking unpaid leave, the College requires the employee to use any accrued sick leave, vacation or personal leave days (or other paid time established by Board policy and/or collective bargaining agreement) in the order specified by the College in conjunction with FMLA and/or OFLA leave.
- BMCC will use the same method for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs for all employees. BMCC will use the 12-month period measured forward from the date the employee's leave begins.

Leaves to care for covered service members has its own 12-month year beginning on the first day of leave regardless of the College's method of calculating the 12-month period for leave.

- During the period of FMLA/OFLA leave, group health insurance benefits and premium payments will be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. A 30-day grace period will be allowed for receipt of employee contributions. The College's obligation to maintain the employee's benefits will cease if the

employee's contribution is more than 30 days late. The College will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

In the event the College is required to pay or elects to pay any part of the costs of providing health, disability, life or other insurance coverage for an employee during the period of FMLA or OFLA leave that should have been paid by the employee, the College may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

- The College's determination of FMLA eligibility requires the employee to provide medical certification. A second medical opinion may be requested whenever the College has reason to doubt the validity of the initial medical opinion.

If the leave was required for the employee's own serious health condition, including intermittent leave, the College may require the employee to obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work.

- Federal and state leave entitlements generally run concurrently.

#### **Legal References:**

ORS 332.507

ORS 342.545

ORS 659A.150-659A/186

OAR 839-009-0200 to -0320

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601-2654; 29 CFR Part 825 (2000).