

It is the intent of the MiraCosta Community College District to comply with the California Family Rights Act of 1991 (FRA) and Federal Family and Medical Leave Act (FMLA) of 1993 and revised 2009 FMLA. These acts entitle employees to up to 12 weeks of unpaid leave per year (12 months) for the following reasons:

- A. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- B. Because of the placement of a son or daughter with the employee for adoption or foster care.
- C. In order to care for the spouse/domestic partner, or a son, daughter, or parent, of the employee, if such spouse/domestic partner, son, daughter, or parent has a serious health condition, as verified by an appropriate medical advisor.
- D. Because of a serious health condition, as verified by an appropriate medical advisor, that makes the employee unable to perform the functions of the position of such employee. A second opinion rendered by a medical examiner selected and paid for by the District may be requested.
- E. A covered family member's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation.
- F. To care for a covered service member who is injured or ill.

FMLA leaves may be requested by either the employee or the district when the employee takes a leave of absence for an FMLA-qualifying reason.

All approved FMLA leaves will run concurrently with any other paid and/or unpaid leave to which the employee may be entitled, i.e. parental, personal necessity, accrued and extended sick leave, and vacation. The employee shall be notified within five (5) days after FMLA is requested that, if approved, his/her FMLA leave will run concurrently with all other leaves to which he/she may be entitled.

While a benefit-eligible employee is on FMLA leave, the district will continue his/her health benefits at the same level and with the same premium co-payments that existed prior to the effective date of the leave. Should the employee fail to return to work after taking FMLA leave for any reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control, reimbursement for premiums paid by the district during the leave may be required.

The FMLA clearly provides that it does not preempt state law to the extent that the state law is more protective of employee rights (FMLA §401(b)). Human Resources staff should be consulted to review both acts to determine which one provides the greater benefit to the employee on each leave issue.

Descriptions of the California and Federal Family Leave laws are kept in the Human Resources Department.