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I. OVERVIEW

Pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), any eligible employee may be granted up to a total of twelve (12), or in some cases twenty-six (26), weeks of unpaid, job-protected family and medical leave in any twelve (12) month period for one or more of the following reasons:

A. For the birth of a child and to care for the child after birth, provided the leave is taken within a twelve (12) month period following birth;
B. For the employee to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a twelve (12) month period following adoption;
C. For the employee to care for the employee's child, spouse or parent, where that child, spouse or parent has a serious health condition;
D. Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position;
E. Because of any qualifying exigency where the employee's spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation; or
F. Because of the need to care for a family member or next of kin who has been injured while serving in the armed forces. For this provision, the amount of FMLA is up to twenty-six (26) weeks within a twelve (12) month period.

II. DEFINITIONS

The following definitions shall apply to this policy:

A. "Eligible employee" means an employee who has been employed: (a) for at least twelve (12) months by the College; and (b) for at least one thousand two hundred fifty (1250) hours of service with the College during the previous twelve (12) month period.
B. "Health care provider" means:

    1. Doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State in which the doctor practices; or

2. Any of the following individuals as long as they are authorized to practice medicine in the State and are performing within the scope of their practice as defined under state law:

    a. Podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife and clinical social worker;
    b. A health care provider from whom the College's group health plan's benefit manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
    c. A health care provider listed above who is authorized to practice in accordance with the laws of that country and who is performing within the scope of his/her practice as defined under those laws.

3. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

    a. inpatient care in a hospital, hospice or residential medical care facility;
    b. a period of incapacity of more than three (3) consecutive days that also involves continuing treatment by a health care provider; continuing treatment means one in-person visit to a health care provider within the first seven (7) days of incapacity and either a second visit within the first thirty (30) days or a regimen of continuing treatment under the supervision of a health care provider;
    c. any period of incapacity due to pregnancy or for pre-natal care;
    d. chronic conditions requiring treatment;
    e. permanent/long-term conditions requiring supervision; or
    f. multiple treatments for non-chronic conditions.

4. Family Definitions

    a. "Son or daughter" includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is: (1) under eighteen (18) years of age; or (2) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
    b. "Spouse" means a partner joined in marriage recognized by the State of North Carolina or any other state, including common law marriages.
    c. "Parent" means the biological, step, adoptive or foster parent or an individual who stood in loco parentis to an employee when the employee was a child. This term does not include parents "in-law".

5. Military Service Member Definitions

    a. "Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or

statutory provisions; brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of FMLA military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

b. "Military service member" means 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 incurred in the line of duty on active duty.

c. "Qualifying exigency" means short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

d. "Active duty or call to active duty" means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, and 12406 of Title 10 of the United States Code, Chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

REFERENCES

Statutory References	42 U.S.C. 12101 et seq. (The Americans with Disabilities Act of 1990), 29 U.S.C. 2601 et seq. (The Family and Medical Leave Act of 1993),
Regulatory References	29 CFR Part 825
Relevant Guidance	None
Policy Manual Cross-References	Referenced by: ● Policy 3.2.4 - Leave ● Policy 3.2.6 - Annual Leave ● Procedure 3.2.4.1 - Leave Requests

POLICY HISTORY

January 1, 2025	Adopted.