

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE MINUTES OF BOARD OF TRUSTEES MEETING

August 15, 2016

Held in the Board Room of the Tony Rand Student Center at 1:00 p.m.

Members Attending

Mr. Charles E. Koonce, Mr. Ronald C. Crosby, Jr., Dr. Dallas Freeman, Mr. Charles J. Harrell, Mr. Hilton T. Hutchens, Jr., Mrs. Delores P. Ingram, Dr. Marye J. Jeffries, Mrs. Sheryl J. Lewis, Dr. Linwood Powell, Mrs. Esther Thompson, Mr. William S. Wellons, Jr., Mr. David R. Williford and SGA President Chris Haywood.

FTCC Personnel Present

President J. Larry Keen, Board Attorney and Vice President for Legal Services and Risk Management David Sullivan, Senior Vice President for Academic and Student Services David Brand, Senior Vice President for Business and Finance Betty Smith, Vice President for Administrative Services Joe Levister, Vice President for Technology Bob Ervin, Vice President for Human Resources and Institutional Effectiveness Carl Mitchell, Executive Director of Marketing and Public Relations Brent Michaels, Executive Director for the Foundation Lorna Ricotta, and Executive Assistant to the President Kay Williams.

Call to Order

The meeting was called to order by Board Chair Mr. Charles E. Koonce.

Recognition of Guests

Mr. Koonce recognized *Fayetteville Observer* Reporter Catherine Pritchard, Senior Media Production Specialist Jae Nixon, Media Production Specialist Brad Losh, Media Production Specialist Joe Talerico, Audio Visual Technician Joe Frydl, Cumberland County Schools Executive Director of Marketing Natasha Scott and District Court Judge Talmage Baggett, Jr.

Ethics Awareness and Conflict of Interest Statement

Mr. Koonce read the Ethics Awareness and Conflict of Interest Reminder. No Conflict of Interest was identified.

June 20, 2016 Board Meeting

On a motion by Dr. Freeman and seconded by Mr. Williford, the minutes of the June 20, 2016 meeting were unanimously approved.

Amend Agenda

Mrs. Lewis made a motion to amend Board Agenda to discuss acquisition of real estate. The motion was seconded by Mr. Crosby and unanimously approved by the Board.

Swearing-In Ceremony

The Honorable Talmage S. Baggett, Jr.

Dr. Dallas M. Freeman – Reappointed by the Cumberland County Board of Education to a Four-Year Term to Expire on June 30, 2020

Mr. Charles Harrell - Appointed by the Cumberland County Board of Commissioners to a Four-Year Term to Expire on June 30, 2020

Mr. Christopher Haywood – 2016-2017 Student Government Association President (Ex-officio member)

Recognition of Telly Award Winners

Senior Media Production Specialist Jae Nixon was recognized for being awarded the 2016 Telly Award.

Committee Reports

Building and Grounds Committee The Building and Grounds Committee met at 10:35 a.m. prior to this meeting. Mr. Williford presented the Committee's report to the Board.

Update on the Pauline Jones School Renovation (Information only)

- The College and Career Readiness and Adult Education programs moved from the Continuing Education Center to Pauline Jones School.
- The facility was operational July 18, 2016.
- Fall classes start August 22, 2016.

Update on the Cumberland Polytechnic High School Renovation (Information only)

- Coordination was established with Cumberland County Schools to move Howard Health to the FTCC Continuing Education Center.
- Approximately 10,248 square feet was leased in the building.
- Classes started August 8, 2016.

Update on Mae Rudd Williams School Renovation (Information only)

- Cumberland County Schools approved the use of Mae Rudd Williams School by FTCC at its December 2015 meeting.
- This building will be used for auto collision repair classes.
- Classes begin there August 15, 2016.

Update on the Cumberland Hall and YMCA Elevator Renovation (Information only)

- Elevators in Cumberland Hall and the YMCA will be upgraded to meet new code requirements and replaced.
- Projected cost \$260,546.
- Project completion is scheduled October 2016.

Update on the Horace Sisk Building Renovation (Information only)

- Projected cost \$450,000.
- Bids opened July 14 from seven contractors
- The designer is Value Engineering Project with Progressive Contracting Company (Sanford, NC) who submitted low bid of \$465,500.

Acquisition of Real Property

Mr. Williford moved that in accordance with General Statutes 143-318-11 (a)(5) the Building and Grounds Committee go into closed session to discuss a real estate acquisition. The motion was seconded by Mr. Hutchens and unanimously approved by the Board.

Closed Session

Open Session

Curriculum Committee The Curriculum Committee met at 10:45 a.m. prior to this meeting. Dr. Freeman presented the Committee's Report to the Board.

Approval of Application Seeking Cooperative Innovative High School (CIHS) Funding for Cumberland Polytechnic High School (CPHS)

Cumberland Polytechnic High School is a re-tooling of Howard Health & Life Sciences High School. Howard Health was already an approved CIHS but did not receive any CIHS grant funding from the state. CIHS funding would be used for CPHS to fund staff, textbooks and supplies, technology, etc.

The goal of this high school is to assist high school students who are at-risk for dropping out in developing career readiness skills to address the economic needs of this community. Students will graduate with a high school diploma and college coursework in a career area through FTCC.

Target Population:

- Freshmen through seniors – students will have the option to stay in high school for a 5th year to complete more college coursework.
- At-risk of dropping out of school (in particular due to family situations).
- Able to complete a career pathway and minimum high school graduation requirements.
- Exceptional Children students capable of completing college-level coursework.

Flexible Scheduling:

- Each student will have a personalized Future Ready Career Plan.
- Combination of high school and college classes scheduled morning, afternoon & evening according to the needs and Plan of the student.
- Dual Credit – high school credit for college courses to minimize duplication.
- Work-based Learning.

Special Features:

- Assistance helping students to establish internships.
- Partnerships with business/industry and Workforce Development Board.
- Transportation will be provided by Cumberland County Schools in the afternoon.
- Digital portfolios.

Staffing:

- Principal
- Counselor
- Bookkeeper
- Teachers
- Custodian
- Admin Asst./Data Manager

On the recommendation of the Curriculum Committee, Dr. Freeman moved to approve the Application Seeking Cooperative Innovative High School (CIHS) Funding for Cumberland Polytechnic High School (CPHS). The motion was unanimously approved by the Board.

Approval to Conduct a Needs Assessment for a certificate in Ophthalmic Surgical Assistant (CXXXXX)

- Fayetteville Technical Community College is seeking approval to conduct the needs assessment for the Ophthalmic Surgical Assistant (OSA) certificate program.
- This would be a new certificate to the Community College System.
- Cape Fear Eye Associates, Carolina Vision Center and the Eye Surgery Center of the Carolina have expressed a need for Ophthalmic Surgical Assistants.
- OSAs will have the needed credentials to be able to scrub and assist during ophthalmic surgical procedures.
- Presently, this role is being performed by surgical technologists; however, many surgical technologists do not wish to specialize in the field of Ophthalmology.
- Based on data from the Joint Commission on Allied Health Personnel in Ophthalmology there are only 689 OSAs. Most of these professionals are being report in the United States.
- The US Bureau of Labor Statistics predicts a much faster than average growth the rate of 30% in physician assistants' jobs during 2014-2024 decade - Physician assistants and surgical staff, such as Ophthalmic Surgical Assistants.
- PayScale.com report in December 2014 that most Ophthalmic Surgical Assistants earned between \$30,677 and \$57,746 per year, including overtime and bonuses. Hourly wages ranged from \$14.13 to \$24.88.
- Must be a Certified Ophthalmic Assistant (COA) or Certified Ophthalmic Technician (COT) to enroll in the certificate.
- The didactic portion of the certificate program will be online with evening laboratory classes. This will enable currently practicing clinicians to receive training.

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- Additional part-time faculty will be needed; however, no additional full-time faculty will be needed. Terry Herring will serve as the Department Chair.
- Funding will be needed for software to support the specialty education and program accreditation.

On the recommendation of the Curriculum Committee, Dr. Freeman moved to approve conducting a Needs Assessment for a Certificate in Ophthalmic Surgical Assistant (CXXXXX). The motion was unanimously approved by the Board.

Presented for Acceptance: FTCC's Continuing Education Accountability Plan Term Report for January 1, 2016 through May 15, 2016

- This past term there were 626 Continuing Education classes visited by appropriate staff.
- FTCC's Accountability and Credibility Policy and Guidelines states – at least 50% of off-campus and 25% of on-campus classes are visited for verification.
- Short Courses – 12 hours or less – are visited on a random basis rather than being required to visit each class.
- The Associate Vice President is required to conduct at least 10% unannounced visits – we exceed that amount with daily visits by our AVP.
- Total Classes for this term 1,348: 851 Occupational Extension; 283 Self-Supporting; 141 College/Career Readiness; 9 other.
- Based upon the Guidelines: 626 classes were visited and found in compliance.
- Verification was made for: Instructor presence; proper course titles; accurate number of students registered and present, and attendance sheets were checked, location/time and start/end dates were accurate.
- Findings of the Internal Audit are presented to you for information and acceptance.

On recommendation of the Curriculum Committee, Dr. Freeman moved to accept FTCC's Continuing Education Accountability Plan Term Report for January 1, 2016 through May 15, 2016. The motion was unanimously approved by the Board.

Finance Committee The Finance Committee met at 11:00 a.m. prior to this meeting. Mr. Wellons presented the Committee's Report to the Board.

Approval of Student Services Budget

The proposed 2016-2017 Student Services Budget in the amount of \$277,403.00 was presented. (Attachment A)

On recommendation of the Finance Committee, Mr. Wellons moved to approve the Student Services Budget. The motion was unanimously approved by the Board.

Approval of the Miscellaneous Current General Funds Budget

The Miscellaneous Current General Funds Budget for Fiscal Year 2016-2017 provides for payment of appropriate expenditures as approved by the President. Revenues to fund this budget include interest income, bookstore funds and vending commissions. (Attachment B)

On recommendation of the Finance Committee, Mr. Wellons moved to approve the Miscellaneous Current General Funds Budget. The motion was unanimously approved by the Board.

Approval of the Athletic Budget

The proposed Athletic Programs Budget for 2016-2017 of \$187,595.00 was presented for approval. (Attachment C)

On recommendation of the Finance Committee, Mr. Wellons moved to approve the proposed Athletic Programs Budget for 2016-2017 of \$187,595.00. The motion was unanimously approved by the Board.

Approval of Across the Board Salary Increase and Bonus for Faculty and Staff for 2016-2017

That state is giving 1 ½ percent raises. The college is able to match the 1 ½ percent and give 3 percent across the board to employees in good standing. If employees exceed on their performance evaluation, they can receive an additional ½ percent for a total increase of 3 ½ percent. A bonus of 1 ½ percent will be given to employees in their November pay advices.

On recommendation of the Finance Committee, Mr. Wellons moved to approve the across the board salary increase and bonus for Faculty and Staff for 2016-2017. The motion was unanimously approved by the Board.

Human Resources Committee The Human Resources Committee met at 11:40 a.m. prior to this meeting. Mr. Crosby presented the Committee's Report to the Board.

Family and Medical Leave Act (FMLA)

The policy was revised to include recently approved Military Family Leave for eligibility for consideration of up to 26 weeks of FMLA protection. (Attachment D)

On the recommendation of the Human Resources Committee, Mr. Crosby moved to approve the revised Family and Medical Leave Act (FMLA). The motion was unanimously approved by the Board.

Planning Committee The Planning Committee met at 11:44 a.m. prior to this meeting. Dr. Freeman presented the Committee's Report to the Board.

Strategic Plan and Institutional Goals

The 2016-2021 Strategic Plan and Institutional Goals were submitted for review prior to the September meeting. Please notify Kay Williams by September 7, 2016, of any modifications or revisions to the Strategic Plan or the Institutional Goals. The Strategic Plan and Reaffirmation of the College's Institutional Goals will be submitted for approval at the September 2016 Board of Trustees meeting.

Handbooks and Manuals Approval

The Official Handbooks and Manuals were submitted for information and review prior to the September meeting. Copies of the official manuals and handbooks were included on a CD in the notebooks. The manuals and handbooks do not include the policy revisions brought to the Board for approval on August 15th. The College's Handbooks and Manuals will be presented for reaffirmation at the September 2016 Board of Trustees meeting.

Special Trustees' Business

Mr. Koonce

NC Association of Community College Trustees (NCACCT) 2016 Leadership Seminar – September 7-9, 2016, Charlotte, NC

Association of Community College Trustees (ACCT) 2016 Leadership Congress – October 5-8, 2016, New Orleans, LA

Election of Officers for 2016-2017

Board Chair – Mr. Koonce, Board Chair, opened the floor for nominations for Board Chair for the 2016-2017 year. Mr. Wellons nominated Mr. Charles Koonce for Board Chair. No further nominations were presented. The motion was seconded by Mrs. Lewis and unanimously approved by the Board.

Vice Chair – Mr. Koonce opened the floor for nominations for the office of Vice Chairman. Mr. Wellons nominated Mr. Ronald Crosby for the office of Vice Chairman. No further nominations were presented. The motion was seconded by Mr. Hutchens and unanimously approved by the Board.

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Secretary – Mr. Koonce opened the floor for nominations for the office of Secretary. Mrs. Thompson nominated Mr. Hilton Hutchens for the office of Secretary. No further nominations were presented. The motion was seconded by Mr. Wellons and unanimously approved by the Board.

President's Report

Dr. J. Larry Keen, President

Next Board Meeting: Monday, September 19, 2016.

See Written Report: Dr. Keen referred to President's Report dated August 15, 2016.

Matthias Rappe won the silver medal in Collision Repair Technology at the 2016 SkillsUSA National Leadership and Skills Conference in Louisville, Kentucky, and will be traveling to Dubai in October 2017 to represent FTCC and the United States at the Skills World Championship. Matthias is 19 years old and earned his associate of applied science degree this year as a member of the inaugural team from CollisionU.

Focus:

2016 State of the College Video

Adjournment

Mr. Charles E. Koonce, Board Chair

Mr. Hilton T. Hutchens, Jr., Secretary

(1748)
 (Attachment A)
Student Support Services Budget
05-770-96108
2016-2017

Description	2015- 2016 Approved Budget	2015-2016 Total Expenditures	2016-2017 Proposed Budget
EXPENSES			
Salaries & Benefits	125,672	103,447.92	128,172
SGA Admin Expense	250	75.90	150
Travel	16,700	12,707.94	15,175
Student Events (Includes intramural/club support)	96,527	76,112.79	96,285
First Aid Supplies	250	0.00	100
Inst Membership Dues	1,449	1,119.00	1,449
SGA Officers Stipend	2,100	1,950.00	2,100
ID Card Equip Maintenance and Supplies	29,790	29,652.76	30,472
Equipment / Furniture	14,582	25,417.00	2,500
Software	1,000		1,000
	288,320	250,483.31	277,403
REVENUE			
Cash Carry Forward	40,000		14,000
Student Activity Fee / Transfer In	248,320		263,403
	288,320		277,403

(Attachment B)
Miscellaneous Current General Funds
Special Fund Budget
July 1, 2016 - June 30, 2017

This budget provides for payment of appropriate expenditures as approved by the President. Revenues to fund this budget include interest income, bookstore funds and vending commissions.

EXPENDITURES:

	2015-2016 Approved Budget	2015-2016 Expenditures	2016-2017 Proposed Budget
Employee Assistance Program (39500):	\$31,000	\$31,000.00	\$31,000
Special Meeting Expense (39540): To provide funds for payment of Staff and Faculty Functions: Orientation, Fall and Spring Luncheon for Faculty and Staff, Christmas Reception, Fayetteville Area Chamber Annual Dinner and special events, Honorary Trustee reception, Facility Dedications and other special official meeting expenses.	\$38,000	\$34,468.96	\$38,000
Other Expenses (39500): To provide civic and community functions such as Martin Luther King celebrations, American Heart Association, Special College Awards/Retirement, NCCC Student Leadership Institute, Honorariums; Wellness Initiatives, Leadership of Fayetteville Youth Academy, Capital Development Campaign, college promotional items, Country Club Dues and luncheons, and other expenses as deemed appropriate by President.	\$37,000	\$38,996.54	\$37,000
Flowers and Gifts (39560): To provide funds for the purchase of flowers or gifts for special occasions as authorized by the President.	\$1,500	\$1,280.00	\$1,500
Phi Theta Kappa Support and other clubs as deemed by the President (82100): Support for travel expenses to the National Conference.	\$3,500	\$1,777.90	\$3,500
Distinguished Staff and Excellence in Teaching Awards (11300-18600) \$500 each for three Distinguished Staff, four Excellence in Teaching recipients. State nominees for Staff and Faculty receive an additional \$500.	\$3,750	\$3,672.94	\$4,750
Employee Retiree Gifts	\$8,750	\$8,611.94	\$8,750
Special Activities: (39570) Contingency	\$10,000	\$0.00	\$10,000
Total Expenditures:	\$133,500	\$119,808.28	\$134,500

REVENUES:

	2015-2016 Approved Budget		2016-2017 Proposed Budget
Interest Earned:	\$30		\$30
Transfers In:			
Bookstore	\$24,800		\$24,800
Vending Commissions	\$93,670		\$101,670
Unexpended Fund Balance	\$15,000		\$8,000
Total Revenues:	\$133,500		\$134,500

(Attachment C)
Athletic Programs Budget
05-770-96111/96112/96113/96114/96115
2016-2017

		2016-2017
Description		Proposed Budget
EXPENSES		
	Salaries & Benefits	124,500
	Supplies & Repairs	5,500
	Travel	16,060
	Uniforms	11,975
	Accident Insurance	17,150
	Misc Service Contracts	11,465
	Tax - Ticket Sales	945
		187,595
REVENUE		
	Ticket Sales	13,500
	Student Activity Fee / Transfer In	174,095
		187,595

I-8.7 Family and Medical Leave Act (FMLA)

1-8.7.1 Purpose

The Family and Medical Leave Act was passed by Congress to balance the demands of the workplace with the needs of families, promoting stability and economic security for families and promoting the national interest in preserving family integrity. This Act further minimizes the potential for employment discrimination on the basis of sex (gender) by making unpaid leave available to eligible employees for designated medical reasons and for compelling family reasons. The Act promotes the goal of equal employment opportunity.

1-8.7.2 Policy

In accordance with the Family and Medical Leave Act, the College will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12 Month Period for any one or more of the following reasons:

1. The birth of a child and the care of the child within 12 months of birth;
2. The placement with an employee of a child for adoption or foster care and to care for the newly placed child within 12 months of placement;
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
4. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
5. For qualifying exigencies related to the "covered active duty," as defined by applicable regulations, of a military member who is the employee's spouse, child, or parent. FMLA leave granted for "Rest and Recuperation" leave of a service member during deployment shall be limited to 15 calendar days.
6. An eligible employee who is a covered service member's spouse, child, parent or next of kin may take up to 26 weeks of FMLA leave in a single 12 Month Period to care for the service member with a serious injury or illness. No more than 26 weeks of leave may be taken in a single 12 Month Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the College, their total Military Family Leave may be limited to an aggregate of 26 weeks.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Once an employee is approved for FMLA leave, all absences from work shall be designated as FMLA leave unless the employee reports the specific number of hours used as FMLA leave to FTCC. FMLA leave hours should be indicated in the appropriate area of the employee's time sheets, the report of absence, or may be otherwise indicated by notifying Human Resources in writing of the specific number of hours taken as FMLA leave.

I-8.7.3 Definitions:

1-8.7.3.1 Parent

A biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.

1-8.7.3.2 Child

A son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability and who is:

- (1) biological child;
- (2) an adopted child;
- (3) a foster child - a child for whom the employee performs the duties of a parent as if it were the employee's child;
- (4) a step-child - a child of the employee's spouse from a former marriage;
- (5) a legal ward - a minor child placed by the court under the care of a guardian; or
- (6) a child of an employee standing in loco parentis.

1-8.7.3.3 Spouse

A husband or wife recognized under state law for purposes of marriage in the State in which the marriage was entered into. This definition includes an individual in a same-sex or common law marriage that was entered into in a State that recognizes such marriages. In the case of a marriage entered into outside of any State, the marriage is recognized if the marriage is valid in the place where entered into and could have been entered into in at least one State.

1-8.7.3.4 12 Month Period

A period of time during which an eligible employee is permitted to take 12 weeks of FMLA leave (26 weeks for military caregiver leave) and which begins on the first day an employee is granted FMLA leave and that ends 12 months later.

1-8.7.3.5 Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. Routine medical examinations and common medical conditions are not deemed Serious Health Conditions unless complications develop.

1-8.7.4 Coverage and Eligibility

To be eligible for family/medical leave an employee must have worked for the College for at least 12 months total and have worked at least 1250 hours over the previous 12 Month Period.

1-8.7.5 Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take *intermittent leave* following the birth or placement of a child unless required by a qualifying serious medical condition.

1-8.7.6 Use of Paid Leave/Workers Compensation

An employee will be required to use accrued compensatory time and paid leave (including paid vacation, sick leave, and bonus leave) for any part of a FMLA leave when the use of the leave is permissible under FTCC policy. When an employee has used all of his or her accrued compensatory time and paid leave, but has not exhausted FMLA leave and continues to qualify for FMLA leave,

the employee will be granted unpaid leave until FMLA leave is exhausted. Compensatory time shall be exhausted before other leave may be used.

Any employee receiving workers compensation benefits and who has a qualifying serious medical condition and is unable to work shall be required to utilize FMLA leave contemporaneously with their workers compensation benefits.

I-8.7.7 Employee Notice Requirement

An employee must give 30 days' advance notice in the event of a foreseeable leave by completing and submitting a "Request for Family/Medical Leave" form. In unexpected or unforeseeable situations, an employee should, as soon as practicable, notify Human Resources and submit the completed form. The notice must indicate (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

1. If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
2. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the College's operations.
3. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

Should the employee fail to request FMLA as described above, the immediate supervisor must notify the human resources office as soon as the supervisor becomes aware of the employee's need for medical-related leave consideration.

I-8.7.8 Employer Notice Requirements

- A. **Notice of Eligibility Rights:** Within five working days after the employee requests leave or after the College learns from the employee's immediate supervisor the leave may be for an FMLA-qualifying medical reason, the College will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why. The College reserves the right to place an individual on FMLA leave in instances where the medical condition is qualifying even if the employee failed to seek available FMLA leave or properly notify the college in a timely manner of their qualifying for FMLA leave.
- B. **Unspecified Duration:** For a leave of unspecified duration, the employee is expected to update their immediate supervisor periodically, and if possible provide an anticipated date of return.

I-8.7.9 Medical Certification

- A. **Certification of Serious Health Condition:** For leave requested due to the employee's or a covered family member's serious health condition, the employee must obtain from their health care provider a doctor's note or a completed "Certification of Health Care Provider" form and attach the medical

certification to their initial Request for FMLA Leave (Fill-in Form F-8). Medical certification should be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the College will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The College may delay family medical leave approval until such time as the certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.

- B. College May Require Second Opinion: The College may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
- C. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
- D. Certification for Extended Military Family Leave: Employees requesting extended Military Family Leave must provide documentation of the injury, recovery and/or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or, in the case of a veteran, that the veteran was a member of the Armed Forces within the preceding five years.
- E. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will remain confidential to the degree possible and maintained in the employee's medical records file. The employee's supervisory chain is typically notified of the FMLA status for planning purposes, but not of the underlying serious medical condition.

I-8.7.10 Employment and Benefit Protection

- A. An employee granted a leave under this policy will continue to be covered under the College's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- B. Employee contributions for benefits will continue to be required either through payroll deduction or by direct payment to the College. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the College may terminate the employee's insurance coverage.
- D. If the College pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the College (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

- E. If the employee fails to return from unpaid leave for reasons other than (1) documentation establishing the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the College may seek reimbursement from the employee for the portion of the premiums paid by the College on behalf of that employee (employer contribution) during the period of leave.
- F. An employee shall continue to accrue leave while using accrued comp time or leave contemporaneously with FMLA leave. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

I.8.7.11 Job Protection

- A. If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Military Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and level of responsibility.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
- C. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

I-8.7.12 Unlawful Actions & Enforcement of FMLA Rights

It is unlawful for the College to interfere with, restrain, or deny the exercise of FMLA rights supported by certification, or to discharge or discriminate against anyone for exercising their legal rights to request FMLA. For additional information related to FMLA, please refer to the Department of Labor's website at www.dol.gov/whd . Alternatively, employees may view the Employee Rights under the Family and Medical Leave Act poster located at the College's Human Resource (HR) Office and the HR website. To the extent that any term in this policy is not specifically defined, definitions stated in the applicable law or regulations shall be utilized.