

SUBJECT: 400 Human Resources  
Policy 406.2 Family Medical Leave  
Effective: Revised: April 2013

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Reference: [Family Medical Leave Act \(FMLA\)](#); Collective Bargaining Agreements; [2-18-606](#), [2-18-618](#), M.C.A.

The Family Medical Leave Act entitles eligible employees to twelve (12) work weeks of unpaid leave during a twelve (12) month period under certain circumstances. Paid leave for which an employee is eligible under Great Falls College MSU policies and that is used for reasons defined in this policy may be counted toward the twelve (12)-week FMLA maximum, as deemed appropriate by Great Falls College MSU.

FMLA does not supersede any Montana State law or collective bargaining agreement that provides greater family or medical leave rights. Such leave will run concurrently with leave under this policy.

In accordance with the [Federal Family and Medical Leave Act of 1993](#), an eligible employee may receive up to twelve weeks of job protected leave per twelve (12)-month period for certain family and medical reasons, which may include the following:

1. The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
2. To care for a spouse, son, daughter, or parent who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
4. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

In addition, an eligible employee may take up to 26 weeks of FMLA leave in a single twelve (12)-month period:

1. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (military caregiver leave).

Employees requesting family and medical leave must be eligible for FMLA leave and may be asked to provide medical certification, perhaps even a second and third medical opinion, to support the need for leave. College employees are eligible for family and medical leave if they have worked for the State of Montana for a minimum of twelve (12) months and been in a pay status for at least 1040 hours during the previous twelve (12) months.

Employees taking FMLA leave shall be required to use all accrued sick leave, annual leave and compensatory time before leave without pay will be approved. Leave may be taken on an intermittent basis or by reducing scheduled work hours if the employee provides verification from the health care provider that leave must be taken in that manner. In all cases of intermittent and reduced schedule



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leave, the College, at the discretion of the supervisor, reserves the right to transfer an employee to another position that better accommodates the employee's need for leave and the College's operations.

If the need for FMLA leave is foreseeable, thirty (30) day's notice via a Leave Request is required. Notice as soon as feasible, usually within one or two business days, is expected if the need is unforeseeable.

Employees on leave are required to report to their supervisor on a regular basis, as determined by the supervisor, on their status and intent to return to work. During leave, the College also may require that an employee recertify the medical condition that caused the employee to take leave.

While an employee is on approved FMLA leave, the College will continue to pay the state share of the cost of the employee's health insurance, even when the employee is on leave without pay. The employee is required to pay his/her portion of the insurance to the College if no longer in a pay status. Use of family and medical leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees should work with their supervisor and the Human Resources Department to coordinate FMLA.