



SUBJECT: FAMILY AND MEDICAL LEAVE

- I. **PURPOSE:** To outline the University's policy regarding time off work which qualifies under the Family and Medical Leave Act (FMLA) of 1993 and additions made to it through the 2008 National Defense Authorization Act. This policy operates in conjunction with the University's annual leave, sick leave, leaves of absence for staff, and leaves of absence for faculty policies. All employees who have worked for the University a minimum of one year and have worked 1,250 hours or over the past 12 month period are eligible.
- II. **DEFINITIONS:**
- A. Family members – for purposes of this policy, family members include only the employee's spouse, child (natural, adopted, step, or foster), parent, and parent-in-law.
- B. Serious Health Condition – a serious health condition is (1) a condition which requires an overnight stay in a hospital, hospice, or residential medical facility; (2) a condition requiring absence from work, school or other regular daily activities for more than three calendar days, and which requires continuing treatment for a chronic or long-term health condition which, if not treated, would result in an absence of more than three days.
- C. Continuing Treatment - continuing treatment is defined as (1) treatment on two or more occasions by a health care provider or by a paraprofessional under the supervision of a health care provider; (2) treatment on at least one occasion by a health care provider who thereafter supervises a regimen of continuing treatment; or (3) treatment in the course of a long-term or chronic condition or disability requiring the continuing supervision, but not the energetic treatment, of a health care provider.
- III. **POLICY:**
- A. Provisions
1. An eligible employee will be allowed up to 12 weeks of family and medical leave within any 12-month period for (1) the birth or adoption of a child; (2) to care for the employee's own serious health condition; (3) to provide either physical or psychological care for a family member who has a serious health condition.
 2. The employee must complete leave and return to work within 12 months after the birth of or placement in the employee's home of a child for



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adoption or foster care. Leave may begin prior to birth or placement as circumstances dictate.

3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date the requested leave will begin.

B. Intermittent Leave

An employee is not required to use the 12 weeks of FMLA leave consecutively. FMLA may be taken on an intermittent or reduced hour basis if medically necessary for an employee's or family member's serious health condition, or for the care of a child who has been born, adopted, or placed for foster care. Employees should make all reasonable efforts to schedule such leave in advance.

C. Use of Paid Time-Off Benefits

1. An employee must take paid time off benefits, such as accrued sick pay or vacation, during FMLA leave. Using paid time off benefits does not add to the total length of the leave.
2. Unless an employee substitutes paid time off benefits, his/her pay will be reduced for all full days of unpaid leave taken or for all hours of leave taken within a single day. If an employee is exempt, reducing his/her pay for partial days off will not impact his/her exempt status under the Fair Labor Standards Act.

D. Leave Provision for Spouses Both Working for the University

If leave is taken for the adoption or birth of a healthy child, or to care for a sick parent, the maximum combined leave for both spouses is 12 weeks. If leave is taken to care for an ill child or spouse, each spouse is entitled to 12 total weeks of leave.

E. Job Restoration

1. Most employees granted leave will be returned to the same position held prior to the leave, or one that is similar in status, seniority, pay, responsibilities, duties, privileges, and other terms and conditions of



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employment.

2. Certain highly compensated salaried employees are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.
3. An employee who fails or refuses to return to work at the end of the leave period will be regarded as having resigned.

F. Employee Benefits

1. The employee's health care benefits continue during the FMLA leave. Both the University and the employee continue to pay their customary portions of the monthly premium. The Human Resources Office advises the employee of the payment due dates.
2. If the employee chooses not to return from leave, under certain circumstances, the employee may be required to repay the University's portion of the premium payment paid by the University during the FMLA leave. If the employee does not return from the FMLA leave, the last day of the FLMA leave will be regarded by the University as the employee's resignation effective date.

G. Application for Leave

In all cases, an employee requesting leave must complete a Family and Medical Leave Authorization Form and return it to the Human Resource Office. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

H. Notification

1. The employee must provide the University 30 days written notice of the need for leave, or, if emergency conditions prevent such notice, the employee must notify the University as soon as is practicable.
2. The employee may need to report periodically on his/her status during the leave period.

I. Certification



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Certification of the need for leave to care for the employee's own illness or injury or that of a family member is required. The employee must obtain the following information from a responsible health care provider and make it available to the University:

1. The date the serious health condition began.
2. The duration of the condition.
3. A statement that the employee needs to care for the ill person and the estimated length of the leave or a statement that the employee cannot perform the functions of his/her job.
4. If applicable, the medical reasons verifying the need for intermittent leave or a reduced work schedule, such as scheduled dates for treatment(s).

J. Problem Resolution

1. If there is any question about the medical opinion provided by a physician, the University may require a second opinion by a physician of its choice, at its expense. If a third opinion is necessary, a third doctor may be selected, also at the University's expense. The doctor must be agreed upon by the employee and the University. The doctor may not be employed on a regular basis by the University.
2. It is the policy of the University not to discharge or discriminate against any employee who properly exercises his/her rights under the federal Family and Medical Leave Act. If an employee thinks he or she has been treated unfairly, the employee may contact the Human Resources Director.

K. Release to Return to Work

A doctor's release is required for an employee who returns from a medical leave of one week or longer.

L. Servicemember Leave

Servicemember FMLA provides eligible employees family and medical leave for any one, or for a combination, of the following reasons:



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1. A “qualifying exigency” arising out of a spouse, child, parent, or parent-in-law’s active duty or call to active duty in the U. S. Armed Forces in support of a contingency plan; and/or
2. To care for a spouse, child, parent, parent-in-law or next-of-kin (closest living relative) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating.

M. Duration of Servicemember FMLA

1. When leave is due to a “Qualifying Exigency”. An eligible employee may take up to 12 workweeks of leave during any 12-month period.
2. When leave is to care for an injured or ill servicemember. An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for a servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
3. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

For more information about family and medical leave, please contact the Human Resources Office.