

**FAMILY AND MEDICAL LEAVE (FMLA) OF ABSENCE**

**Purpose:** To provide faculty and staff members unpaid leaves of absence in keeping with Provisions of the Family and Medical Leave act of 1993.

**Definition:** FMLA provides up to 12 weeks of leave during a rolling 12-month period. This leave may be paid or unpaid or a combination of paid and unpaid depending on the employee's accumulation of sick and vacation leave. In cases where paid leave ends prior to the end of the 12 weeks of FMLA, the balance of the leave will be unpaid

**Eligibility:** The Family and Medical Leave Act (FMLA) provides any University employees who have at least 12 months of service with the University and who have worked at least 1250 hours in the previous 12 month period:

**Qualifying Events Under the FMLA are as follows:**

Birth and care of the employee's child or placement of a child for adoption or foster care with the employee.

Entitlement to a birth, adoption, or foster care, leave must be completed within 12 months of birth, adoption, or foster care placement

- Care of immediate family member (spouse, child, parent) who has a serious health condition; or  
Care of the employee's own serious health condition.

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, or hospice or residential medical care facility, or continuing treatment by a health care provider.

The term "parent" means biological parent of an employee or an individual who stood in "loco parentis" to an employee when the employee was a child, i.e., and individual who was charged with parental rights and responsibilities for the employee.

A "child" is a biological, adopted, foster child, step child, legal ward or a child of a person standing in loco parentis who is under 18 years of age, or 18 years of age or older and in capable of self care because of a mental or physical disability.

The employee must notify his/her immediate supervisor and/or Human Resources

when the employee has a qualifying event.

- When a notification of a qualifying event has been received by the Human Resources FMLA Gatekeeper, proper paper work will be mailed to the employee.
- When the need for leave is foreseeable, an employee must give the employer at least 30 days notice, or as much notice as practicable. When the leave is not foreseeable, the employee must provide such notice as soon as possible.
- When both husband and wife are employed by the University, the aggregate number of work weeks is limited to 12 weeks for "bonding" over a 12-month period if the leave is for the birth, adoption or foster care placement of a child. For other types of leaves under the FMLA Act (i.e., serious illness of the employee or the employee's spouse or child), each employee retains the right to take up to 12 work weeks of leave.
- The University requires certification from a health care provider of the need for a leave of absence because of a serious health condition of the employee, child, spouse or parent of the employee. The University may also require periodic reports during the period of leave of the employee's status and intent to return to work as well as "fitness-for-duty" certification upon return to work.
- If an employee desires to return to work before his/her approved leave ends, he/she is to contact the FMLA Gatekeeper. In the event of a serious health condition, the University shall require the employee to provide certification from an appropriate health care provider indicating the he/she is able to resume work.
- If an employee does not return to work following the conclusion of FMLA leave for any other reason than:
  1. the continuation, reoccurrence or onset of a serious health condition which would entitle you to FMLA leave; or
  2. other circumstance beyond your control, including but not limited to, caring for a relative, such as a newborn infant, or individual (other than a covered relation) who has a serious health condition you will be considered to have voluntarily resigned and the University will be entitled to reimbursement of University paid portion of health insurance premiums paid on your behalf during your FMLA leave.

Note: Electing to remain home to care for children is not a circumstance beyond the employee's control.
- An employee will be reinstated to the same or an equivalent position with the same pay and benefits that he/she received and under the same terms and conditions of employment as when the leave began.

## **Continuation of Benefits while on FMLA leave**

- An employee may continue his/her group health, dental and life insurance coverage's during a leave at the same level under the same conditions he/she would have received had the leave not occurred.
- The University shall maintain its contributions to the group health, dental and life insurance coverage's at the same level and under the same conditions the employee would have received had the leave not occurred.
- It is the employee's responsibility to make arrangements with the Human Resources Benefits Office for payment of the required premiums if he/she is off the payroll during the leave of absence. Failure to do so may result in the termination of such insurance coverage's.
- Employees will be eligible to receive salary for University holiday(s) that occurs while he/she is on an approved leave.