PPM 3-29A

FAMILY AND MEDICAL LEAVE

I. REFERENCES

PPM 3-20, Vacations (Non-Teaching Personnel)

PPM 3-21, Sick Leave (Classified Staff, Professional Staff, and Executives)

PPM 3-21a, Sick and Family Leave (Faculty)

PPM 3-26, Maternity Leave

PPM 3-43, Insurance Benefits

PPM 3-45, Fringe Benefits

II. ELIGIBILITY

Family and medical leave is available to employees with at least 12 months of service (need not be continuous) and who have worked at least 1,250 hours within the preceding 12-month period.

III. POLICY

If eligible, an employee may be able to take up to 12 weeks of unpaid, job‑protected leave during a 12-month period for the following reasons:

1. The birth of a child or to care for a child within the first 12 months after birth;

2. The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months of placement);

3. To care for an immediate family member who has a serious health condition;

4. For a serious health condition that makes the employee unable to perform the functions of his/her position; or

5. If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty in the Armed Forces. Qualifying exigency means that the employee who is a spouse, child, or parent of a covered military member requires leave for one or more of the following events: (1) short-notice deployment; (2) military events and related activities; (3) child care and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional military activities provided the University and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

IV. INJURED SERVICEMEMBER LEAVE

An employee who is the spouse, parent, child, or next of kin of a member of the Armed Forces who was injured in the line of duty ("injured servicemember") may be eligible for up to 26 weeks of FMLA leave in a 12-month period, including the types of leave listed above.

A covered service member is one who is:

1. Undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The serious injury or illness is covered if it was incurred while in the line of duty (or the service member had a pre-existing condition that was aggravated while in the line of duty) and renders the service member medically unfit to perform his/her military duties. The University will rely on authorized health care providers or designated officials in the Department of Defense to determine whether the service member is deemed a covered service member.

V. CALCULATION OF "12‑MONTH PERIOD"

For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any 12‑month period" means a forward-measured "rolling" 12-month period. The 12-month period follows the first date the employee takes FMLA leave. Once this initial 12-month period has passed, if the employee worked 1,250 hours within the preceding 12-month period, the employee will be entitled to take another twelve (12) weeks of leave starting on the first date she or he takes FMLA leave again.

VI. NOTICE OF LEAVE

Employees must comply with their department’s standard procedures for requesting other forms of paid leave. If an employee simply calls in sick, and does not follow the department's call-in procedure, or does not provide sufficient information, the time off may not be designated as protected by the FMLA.

VII. MEDICAL AND OTHER CERTIFICATIONS

Employees will be required to provide a medical certification if the leave request is: 1) for the employee's own serious health condition, 2) to care for a family member's serious health condition, or 3) military caregiver leave. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a medical certification, his or her leave request may be denied and the employee may be disciplined.

The University, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, the University may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

VIII. DESIGNATION NOTICE

Within five (5) business days (absent extenuating circumstances) of having enough information to determine whether the requested leave is FMLA-eligible, the University will provide a Designation Notice, informing the employee whether or not leave is designated FMLA leave and the amount of leave that will be designated, if known. This designation may be retroactive.

In the sole discretion of the University, any leave that qualifies as FMLA leave may be designated as FMLA leave, regardless of whether all possible obligations are met by the employee. For example, the University may designate a leave as FMLA leave without requiring a completed Medical Certification Form or a consultation with a health care provider.

IX. FITNESS FOR DUTY CERTIFICATIONS

Because the University wishes to ensure the well-being of all employees, any employee returning from FMLA leave for his/her own serious health condition will need to provide a Fitness for Duty (FFD) statement signed by his/her treating physician. Any employee who fails to provide an FFD statement will be prohibited from returning to work until it is provided. An employee who fails to provide an FFD certification may be disciplined or terminated.

X. MAINTENANCE OF BENEFITS

The University will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the University for the Cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

XI. CONCURRENT LEAVE

Employees must use any accumulated sick leave, vacation time, or personal leave, to the extent available, during FMLA leave unless such leave is covered under Workers' Compensation, in which case the employee may only use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

XII. MARRIED COUPLES WHO WORK FOR THE UNIVERSITY

If an employee and his/her spouse both work for the University, they are both eligible for leave. The amount of leave allowed for the employee and the employee's spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

· The birth, adoption, or foster placement of a child;

· To care for and bond with such child who does not suffer from a serious health condition;

· To care for a parent with a serious health condition; or

· A combination of the above.

For injured servicemember leave, the employee and his/her spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

XIII. INTERMITTENT LEAVE

It may be medically necessary for some employees to use intermittent FMLA leave. The University will work with employees (and employees are required to work with the University) to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or due to the employee's own serious medical condition. Fitness for Duty statements are not required when an employee returns from intermittent FMLA leave.

Leave because of the birth or adoption of a child must be completed within the 12-month period beginning on the date of birth or placement of the child. It may not be taken intermittently without special permission from Human Resources.

XIV. RETURN FROM LEAVE.

Employees may be terminated when they have exhausted their FMLA leave unless they are entitled to additional leave as a reasonable accommodation under the Americans with Disabilities Act.