

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Eligibility Requirements

Eligible employees are entitled to up to twelve (12) work weeks of leave, in any year, for one or more of the following qualifying events:

For the birth of a child and/or to care for the child,

For placement of a child through adoption or foster care,

For the care of the employee's spouse (wife or husband), son, daughter or parent who has a serious health condition,

For the employee's own serious health condition which prevents the employee from performing their essential duties.

Employees who have worked for twelve (12) months and who have worked 1,250 hours in the preceding twelve (12) month period from the time the leave is to begin are considered eligible employees for the purposes of Family and Medical Leave.

Definition of "Any Year"

For the purpose of this law and University policy, a year is defined as the twelve month period beginning with the date the employee first uses FMLA designated leave. This shall be referred to as a "first use year."

Notice Requirements

Advance Notice Requirement: Employees are required to provide thirty (30) days advance notice, unless the qualifying event is unforeseeable or a medical emergency.

Waiver of Advance Notice Requirement: When advance notice is impossible or impractical, employees are required to notify their supervisors or other appropriate departmental authority at the earliest possible time. Verbal approval must be granted contingent upon submission of the written request and verification of the qualifying event.

Notice to the Department of Human Resources: Departments must report all notifications of FMLA to the Department of Human Resources, ideally, within one to two business days of receipt of the notice.

Physician Certification

Employees invoking Family and Medical Leave are required to have their physician or the physician of record provide a written statement. This statement must be submitted within fifteen (15) calendar days of notice to use leave. In the case of Worker's Compensation, standard physician certification is acceptable.

Requirement to Take Paid Leave

Employees are required to exhaust annual, sick or compensatory leave, depending on the nature of the absence, before approval will be granted to use leave without pay for Family and Medical Leave. Such leave will be charged as FMLA leave.

Continuation of Health Care Benefits

Employees who have their health coverage with the state and who go on leave without pay for Family and Medical Leave and who wish to continue their health care coverage will have the employer portion of the premium paid by the University.

Requirement to Document All FMLA Leave

Whether or not the employee requests FMLA leave specifically, if the reason for the leave qualifies as FMLA, it must be approved and documented as FMLA leave.

FMLA leave must appear in the "Explanation" section of the Report of Classified Leave.

For record keeping purposes, FMLA leave requires that a leave slip be completed and submitted by the employee unless the employee is not available in the work place or it would otherwise be impractical or impossible to obtain such a slip.

Restoration after FMLA

Employees returning from Family and Medical Leave must be restored to their former positions or equivalent positions with equivalent benefits.

Prohibition Against Retaliation

It is unlawful for any employer to interfere with, restrain or deny the exercise of any right provided for under FMLA. Employees may not be retaliated against for invoking the Family and Medical Leave Act.

Questionable Certifications for Medical Leave

If an employee submits a completed certification signed by a health care provider, the employer may request clarification and authentication of the certification. Any employee who submits false information regarding this Act shall be subject to disciplinary action.