Policy ID:	ADM-HUM-27 Minor Revision 25
Title:	Family Medical Leave Act
Description:	Benefits information for eligible employees pursuant to the Family & Medical Leave Act
Category:	Human Resources
Applies to:	staff,faculty
Contact:	Human Resources
Purpose:	Policy regarding leave due to family or medical emergency.

Policy Statement:

Basic Leave Entitlement

The University provides up to 12 weeks per rolling 12-month period measured backward from the date an employee uses any FMLA leave of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or,
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the University will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible after one year of employment, with a minimum of 1,250 hours worked over

© 2005 University of Central Oklahoma. All rights reserved.

the previous 12 months.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition involving either an overnight stay in a medical care facility, or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a healthcare provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in a continuous manner. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt University operations. Leave due to qualifying exigencies also may be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

The University requires use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the University's normal paid leave policies.

Employee Responsibilities

The employee shall provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practical and must comply with the University's established absence notification procedures.

Employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection, and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees are required to provide a certification (verification), and periodic recertification.

Employer Responsibilities

The University will inform employees requesting leave whether they are eligible under FMLA. If eligibility requirements are met, the notice will specify any additional information required as well as the employees' rights and responsibilities. If eligibility is not met, the University will provide a reason for the ineligibility.

The University will inform employees if the leave meets requirements to be designated as FMLA-protected, and the amount of leave to be counted against the employee's leave entitlement. If the University determines that the leave is not FMLA-protected, the employee will be notified.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the excercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

© 2005 University of Central Oklahoma. All rights reserved.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

Glossary of Terms:	
Legal Citation:	29 U.S.C. § 2619
Campus Links:	
FAQs:	
Formerly known as:	Family Leave/Maternity Leave
Approved on:	11/08/2010
Effective date:	11/30/2010
Keyword(s):	compliance, Family and Medical Leave Act, FMLA, leave, entitlement, benefit, protected, maternity, pregnancy, birth, adoption, serious health condition, servicemember, injury or illness, active duty, medical treatment, recuperation, therapy, outpatient, disability retired, illness, injury, impairment, physical or mental condition, incapacity, qualified, eligible, covered employers
Last review date:	04/23/2012
Date posted:	Feb 22 2011 11:41AM

© 2005 University of Central Oklahoma. All rights reserved.