

Section: Employee/Labor Relations

Section Number: 4.1.5

Subject: Family and Medical Leave Act of 1993

Date of Present Issue: 07/01/93

Date of Previous Issues:

POLICY:

Any University employee with one year's service, who has worked at least 1250 hours in the previous 12-month period, may apply for medical or family leave without pay for up to 12 work weeks in the following 12-month period. Such leave may be used for 1) an employee's serious health condition which disables the employee from performing the functions of their job; 2) for birth or care of a child; 3) for child adoption or foster care placement; or 4) for care of the employee's spouse, son, daughter or parent if such individual has a serious health condition.

Definitions

Son or Daughter is defined as biological, adopted, foster child, stepchild, legal ward of the employee, or child for which the employee stands "in loco parentis", under 18 years of age or incapable of self care because of mental or physical disability.

Spouse is either husband or wife of the employee.

Parent is the biological parent of the employee or an individual who stood "in loco parentis" for the employee when a child.

Serious Health Condition is one requiring in-patient treatment in a medical facility, or continuing treatment by a health care provider.

Conditions for Leave Approval

Application for leave, except for emergency conditions, must be made in writing 30 days in advance and scheduled to cause the least disruption possible to work schedules.

In cases involving the employee's own health, the employee must provide written certification of need for medical leave from the health care provider, including date condition began, probable duration, appropriate medical facts and confirmation that employee is unable to perform functions of the job in cases involving the employee's health condition. For cases involving the health of an employee's immediate family member, written certification is also required, indicating why such leave is necessary for the family member's care.

The University may request a second opinion from a health care provider designated by the University. In case of conflict, both parties may request a final and binding decision from a third physician chosen by both parties. Re-certification may be required on a reasonable basis.

Scheduling Leave

When medically necessary for care of spouse, child, parent, or employee's own medical condition, the leave may be used on an intermittent basis or on a reduced work schedule. To accommodate this schedule the employee may be transferred to an alternate position with equivalent pay and benefits. The employee must first use up balances of paid leave time (within the guidelines of Procedures 4.3.9. and 4.3.10.), which will be computed into the 12 weeks allowed for family and medical leave. If two spouses are employed at the University, the total time allowed together for birth, adoption, foster child placement or in case of a sick parent is 12 weeks.

Seniority will not accrue during unpaid leave nor will the employee qualify for promotion. The University will continue paid health care insurance during this type of leave. If the employee decides not to return, he/she would then owe the University for the health insurance coverage provided.

Return from Leave:

In cases of an employee's own health condition, medical certification of ability to return to work will be required. Upon return, the employee will be restored to the former position held before the leave commenced, or to an equivalent position with equal benefits, pay and other terms and conditions of employment. An exception to this guarantee concerns employees in the "highest paid 10 percent of the University" category when such return would cause substantial or grievous economic injury to the University. Use of family or medical leave on an intermittent basis will not affect the exempt status of salaried employees. Faculty who would otherwise return from a leave under this Act within three weeks of the end of a term may be required to extend their leave through the end of the term.