

# Internal Governing Policies

## #7.1 - Family and Medical Leave Act

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**Approved:** June 26, 2002

**Monitor:** President

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It is the purpose of the [Family and Medical Leave Act](#) (hereinafter "FMLA") to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child and for the care of a child, spouse, or parent who has a serious health condition and to accomplish these purposes in a manner that accommodates the legitimate interests of employers consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and to promote the goal of equal employment opportunity for women and men.

To be eligible for FMLA coverage, an employee must have been employed by the University for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. The 12-month period will be measured forward from the date any employee's first FMLA leave begins. An employee is entitled to 12-weeks of leave during the year beginning on the first date FMLA leave is taken. The next 12-month period would begin the first time FMLA leave is taken after the completion of any previous 12-month period.

Leave taken under FMLA shall be governed by the provisions of the FMLA and associated Regulations, as revised or amended. An eligible employee shall be entitled to FMLA leave for one or more of the following:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care.
3. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

The accrued paid vacation leave, personal leave, or sick leave of an eligible employee shall be counted against the employee's FMLA leave entitlement for all of the 12-week FMLA leave or for any part, with the remainder of the 12-week FMLA leave being unpaid leave. In any case, where the necessity for FMLA leave is foreseeable, the employee shall provide the University with not less than 30 days' advance notice of the employee's intention to take leave. Otherwise, the employee shall provide such notice as is practicable.

In any case in which a husband and wife, both employed by the University, are entitled to FMLA leave, except in the case of a serious health condition of the requesting employee, the aggregate number of work weeks of any leave to which both may be entitled may be limited by the University to 12 work weeks during any 12-month period.

The University may require that a request for FMLA leave involving a serious health condition of the employee or the employee's spouse, son, daughter, or parent be supported by a medical certification substantiating the condition issued by the health care provider of the employee, spouse, son, daughter, or parent, as appropriate, on a form provided by the University or the request may be denied. The employee shall provide the certification to the University in a timely manner. The University reserves the right to require the employee to obtain, at the expense of the University, an opinion of a second health care provider designated or approved by the University.

The University may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Any employee planning on returning to work following FMLA leave for a serious health condition must present a fitness-for-duty certificate from the employee's health care provider that the employee is able to resume work.

The Department of Human Resources will provide the [necessary forms for Civil Service employees](#) requesting a Family and Medical Leave. All Civil Service employee requests for Family and Medical Leaves are subject to the approval of the Department of Human Resources. The Department of Human Resources will maintain all FMLA records for Civil Service employees.

The Vice Presidential Area for Academic Affairs will provide the [necessary forms for Faculty and Academic Support Professional employees](#) requesting a Family and Medical Leave. All Faculty and Academic Support Professional employee requests for Family and Medical Leaves are subject to the approval of their Vice Presidential Area. The Vice Presidential Area for Academic Affairs will maintain all FMLA records for Faculty and Academic Support Professional employees.

The Office of the President will provide the [necessary forms for Administrative and Professional employees](#) requesting a Family and Medical Leave. All Administrative and Professional employee requests for Family and Medical Leave are subject to the approval of the Office of the President. The Office of the President will maintain all FMLA records for Administrative and Professional employees.