



FERRIS STATE UNIVERSITY

HUMAN RESOURCES

HR Related Policies & Procedures

Eff. Date: October 22, 2004

Revised: **November 2010**

FSU-HRPP 04:21

Leaves of Absence – FMLA

COVERED EMPLOYEES

- All employees.

Note: Bargaining unit employees are covered by the terms and agreements of the [collective bargaining unit agreement \(CBA\)](#). Please refer to the CBA for details.

BOT POLICY

Sec. 6-501. General Provisions Relating to Leaves of Absence. The University provides various leaves of absence for eligible employees. An eligible employee may apply for the following leaves of absence: Sabbatical, Medical, Unpaid Personal Leave, Family and Medical Leave Act (FMLA), Military, Political, or Jury Duty. (The policies related to time off for vacation, holidays, and funeral/bereavement issues are covered by Section 6-7.)

The President or his/her designee will establish policies and procedures related to leaves of absence. Bargaining unit employees are covered by the terms and agreements of the collective bargaining unit agreement (CBA).

Sec. 6-502. Types of Leaves of Absence.

Medical Leaves of Absence.

- a. A medical leave of absence shall be granted to full-time and eligible part-time employees upon application. Time off for a medical leave of absence may be with or without pay, depending on whether the employee has accrued sick days and/or is eligible for short term or long term disability benefits, or workers compensation. This leave will run concurrent with any applicable FMLA leave.

- b. For non-bargaining unit employees, a medical leave of absence may be approved for up to a two (2) year period. If an employee cannot return to work at the end of the designated length of the medical leave of absence, his/her employment status will be terminated.
- c. Bargaining unit employees are covered by the terms and conditions of the CBA.

Family and Medical Leave Act (FMLA).

Eligible employees shall be granted a leave of absence in accordance with the FMLA. All FMLA leave will run concurrently with other appropriate University established leaves of absence. The specific University policy and guidelines regarding the FMLA will be provided to employees through appropriate means as defined by the Family and Medical Leave Act.

HR PROCEDURES/DESCRIPTION/DEFINITIONS

General Procedures Relating to Approved Leaves of Absences:

If on a paid leave, an approved 30 day unpaid personal leave, a sabbatical leave or an approved FMLA leave, health coverage will continue on the same basis as if the employee was working. The employee will be given the option to continue his/her own coverage on a self-pay basis through the provisions of COBRA after his/her health coverage with the University ceases. Other applicable benefits, such as retirement contributions, sick/vacation accrual, will be prorated based on the number of hours worked and/or paid.

An employee receiving long-term or short-term disability benefits is not considered to be on a University paid leave.

The maximum length of a leave of absence will vary based on type of leave of absence, the provisions of any applicable collective bargaining unit agreement, the personnel policies, FMLA, etc.

The conditions of reinstatement upon returning from a leave will be dependent upon the terms of the specific leave of absence, the appropriate collective bargaining unit agreement or personnel policy, and/or in accordance with Federal or State law.

While on a leave, the employee will be expected to make periodic contact with his/her supervisor and advise the supervisor of any change in his/her circumstances related to the leave.

An employee on an authorized leave of absence will be retained on the personnel roster of the University for the duration of the leave.

Unless specified otherwise, upon completion of the leave, the employee will be reinstated to the same or a comparable position as that held previously if such

position is available. If no such positions are currently available, the employee will remain on an unpaid preferential assignment list for a period of one year. Employees returning from military leave will be treated in accordance with State and Federal law. Employees on sabbatical will return to the position held prior to sabbatical.

Employees on unpaid leaves of absence will not accrue sick or vacation time, unless otherwise provided in this subpart.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Human Resources (HR) coordinates all FMLA requests and coordinates the process with the individual employee, supervisor and health care provider or certification official, as appropriate. If there are any conflicts between the University policy and provisions of the Federal act, the provisions of the Federal act will supersede. The Federal act and the Federal regulations will be used to resolve issues that arise.

The Family and Medical Leave Act of 1993 (FMLA) as amended gives eligible University employees the right to take a leave for all qualifying reasons except a Military Caregiver Leave, for a period of up to 12 work weeks in a 12-month period, or for Military Caregiver leave, up to 26 work weeks in a single 12-month period. Whether the leave is paid or unpaid is determined by whether the employee has accrued appropriate employee benefits.

Eligible employees. All full-time and part-time employees at any of the University locations who have worked at the University for at least 12 months (the months need not be consecutive months) and who have worked at least 1,250 hours of service during the 12 months immediately preceding the date on which the leave commences are eligible to apply for FMLA leave. Employment periods prior to a break in service of 7 years or more will not be counted in determining whether the employee has been employed for 12 months.

To calculate hours worked, supplemental faculty will be credited with 2.5 hours of work per week, per contact hour.

Temporary employees may be eligible for benefits under the FMLA during the term of their appointment if they meet the eligibility requirements. The provisions of the FMLA do not continue past the end of the appointment date.

Qualifying Reason for FMLA. There are five (5) qualifying reasons to request FMLA:

- 1) Due to the birth of a son or daughter and to care for the newborn child, or the placement of a child for adoption or foster care.
- 2) Due to a need to care for a family member (son or daughter, spouse or parent) with a serious health condition.
- 3) Due to an employee's own serious health condition that makes the employee unable to perform the functions of his/her job.

- 4) Due to a qualifying exigency related to a qualified family member's call to active military duty or service on active military duty in the Armed Forces, National Guard, or Reserves (referred to as a Qualified Exigency Leave).
- 5) Due to a need to care for a qualified service member (Active Armed Forces, National Guard, Reserves, or Veteran), who has or is recuperating from, a serious illness or injury incurred in military service including when the employee is 'next of kin' to the injured service member or to care for a family member who is a veteran of the Armed Forces, the National Guard or The Reserves, and who is receiving treatment, recuperation or therapy for a qualifying serious injury or illness incurred or aggravated in the line of duty within 5 years of the treatment, recuperation or therapy (referred to Military Caregiver Leave).

Amount of time off provided by FMLA. Subject to the specific limitations contained in the policy, eligible employees may take a total of up to 12 work weeks of FMLA leave during a 12-month period *for one or any combination of various FMLA leaves.* However, employees requesting Military Caregiver Leave may take a total of 26 work weeks off within a single 12 month period. During this single 12 month time period, an employee is limited to a combined total of 26 work weeks of Military Caregiver Leave AND any other types of FMLA leave. However, the employee may not take more than 12 work weeks off during this period for FMLA qualifying reasons other than Military Caregiver leave.

Example #1: An FMLA eligible full-time employee needs to be off work due to his/her serious health condition for 6 continuous work weeks. The employee is eligible for 480 FMLA hours per year (12 work weeks) and will use 6 work weeks of his or her total 12 work week allowance. The employee will have 6 work weeks or 240 hours remaining to use for other FMLA qualifying leaves, if necessary, or an employee requesting Military Caregiver Leave may be eligible for 20 work weeks of leave.

Example #2: An FMLA eligible full-time employee whose average work week is 40 hours needs to be off work 3 mornings a week for medical treatment. The employee is eligible for 480 FMLA hours per year (12 work weeks) and will use 12 of those hours each week.

Example #3: An FMLA eligible part-time employee, whose average work week is 20 hours, needs to be off work two 8 hour days per week for medical treatment and will use 16 hours of FMLA leave each week. The employee is eligible for 240 FMLA hours.

Example # 4: An employee begins his/her Military Caregiver Leave on Feb. 1, 2010. He/she is eligible to take 26 work weeks between 2/1/10 – 1/31/2011. If he/she takes 18 work weeks of Military Caregiver Leave, he/she may also be eligible to take leave for another eligible FMLA reason. However the employee can then only take up to 8 work weeks of other FMLA leaves within that single 12 month period.

Time period: For purposes of the FMLA, the 12-month period will be a “rolling” 12-month “look back” period based on the employee’s use of FMLA leave during the previous 12 months. Therefore, an employee will not be entitled to more than equivalent of 12 work weeks of FMLA leave during any 12-month rolling, “look back” period, or in the case of an employee taking Military Caregiver Leave, he/she is not eligible for more than a total of 26 work weeks of total FMLA in a 12 month period.

“Serious Health Condition” definitions. A serious health condition is an illness, injury, impairment or physical/mental condition that involves on or more of the following:

- 1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- 2) Continuing treatment by a health care provider, including any one or more of the following:
 - (a) Incapacity and Treatment: A period of incapacity or inability to work for more than three consecutive, full calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - (i) Treatment two (2) or more times, within 30 days from the first day of incapacity, by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - (ii) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - (b) Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.
 - (c) Chronic Conditions Requiring Treatments: A chronic condition which requires periodic visits for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; or continues over an extended period of time (including recurring episodes of a single underlying condition); and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - (d) Permanent/Long-term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

- (e) Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders or, on referral from a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

General Conditions And Procedures For Birth, Adoption and Foster Care Leave. An eligible employee is entitled to take up to 12 consecutive work weeks off for family leave for the birth of his/her newborn child, for the legal adoption of his/her child or to accept foster care placement of a child.

The medical recovery period for the birth of a baby will be considered as a medical leave and can be taken intermittently if approved by the physician. The employee will also be covered under the provisions of the Leaves of Absence-Medical Leave policy (BOT 6-502, FSU-HRPP 04:22). For example, if a female employee gives birth, her physician may certify a six-week medical leave of absence, which would be considered as a FMLA leave due to the medical condition of the employee. During the medical portion of the leave, the employee must use her accrued sick time or apply for coverage under the short term disability plan, if applicable. Once the employee can medically return to work (normally six weeks following the birth), she may then take up to an additional six consecutive work weeks off as part of the provisions of the family leave. (If with medical verification an employee's medical leave of absence must extend beyond the normal 6 week period, then she still may take the remainder of up to 12 weeks off immediately following the medical portion of the leave.) During this portion of the FMLA leave, the employee may elect to use accrued vacation, personal days or take unpaid leave. If the employee does not have enough paid benefit time or elects not to use his/her benefit time to cover the length of the leave, the employee will then go on unpaid leave.

An employee requesting leave for birth/adoption (other than under the provisions of the medical leave) may use available vacation time, personal days, unpaid leave or a combination of appropriate paid and unpaid leave as part of the FMLA leave

An employee who is the father of a new baby/child either by birth or adoption, or by foster care placement, may take up to 12 consecutive work weeks of FMLA leave within the first 12 months following the baby's birth, child's adoption or placement for foster care. Vacation time, personal days and/or unpaid time may be used for this FMLA leave.

The 12 work weeks of leave must be taken consecutively (no intermittent or reduced schedule leave) and conclude within the first 12 months after the birth or

adoption. If the employee does not have enough paid benefit time to cover the leave, the leave will be unpaid.

Each employee is entitled to 12 work weeks except if both spouses work for the University. In that case, the total number of weeks taken between the two employees cannot exceed 12 work weeks.

The University may request verification of adoption, birth of a child or foster placement.

General Conditions and Procedures on Serious Health Condition of a Family Member. An eligible employee is entitled to take up to 12 work weeks off from work to care for a spouse, parent or child with a serious health condition.

The “need to care for” a family member also includes both physical and psychological care when the family member is unable to care for his/her own basic medical hygienic or nutritional needs or safety, or is unable to transport him/herself to the doctor, etc. It also includes time needed to make arrangements for change in care, such as transfer to a nursing home.

A “child” includes a biological, adopted or foster child, stepchild, legal ward or a child of a person standing in “loco parentis” who is under the age of 18 or who is 18 years or older and is incapable of self-care because of mental or physical disability. The term “spouse” means husband or wife as defined and recognized under Federal and State of Michigan law. “Parent” or “in loco parentis” refers to the person who acted as a parent when the employee was a child but does not include mother-in-law or father-in-law.

Only in the case of a serious illness of a child when both parents work at the University, can each parent then take 12 work weeks off.

The employee must use his/her available accrued sick time during this FMLA leave. After use of all applicable sick time, the employee may elect to use his/her accrued vacation, personal days or take unpaid leave for the remaining duration of the FMLA leave. Once the employee has used his/her sick, vacation, and personal days, the employee will then go on unpaid leave for the remainder of the FMLA leave.

General Conditions and Procedures for Serious Health Conditions of the Employee. Full-time employees are either covered under the provisions of the Board-approved Personnel Policies or appropriate collective bargaining agreement. Any FMLA leave will run concurrently with the applicable medical leave of absence provisions. The employee must use his/her available accrued sick time during his/her FMLA leave. After use of all applicable sick time or short term disability coverage, the employee may elect to use his/her accrued vacation, personal days or unpaid leave for the duration of the FMLA leave.

Once the employee has used his/her sick, vacation, and personal days, the employee will then go on unpaid leave for the remainder of the FMLA leave.

Part-time Employees - Eligible part-time employees may also apply for a FMLA leave of absence for medical reasons. However, since health benefits are not available to part-time employees, there are no health benefits available during the medical leave, nor will the leave be paid except as required under workers compensation.

General Conditions and Procedures for Qualified Exigency Leave.

Qualifying Exigency Leave is for covered employees who have a qualified family member on active duty or called for active duty in the Armed Forces, including the National Guard or Reserves.

Qualifying Exigency leave may be taken for any qualifying exigency arising out of being on active duty or called to active duty status in the Armed Forces, including the National Guard and Reserves in support of a contingency operation. Qualified exigencies may include the following instances which relate to the active duty or call to active duty of a covered military member:

- 1) Issues arising from a covered military member's short notice deployment (7 days or less) for a period of 7 days from the date of notification.
- 2) Military events and related activities such as official ceremonies, or events sponsored by the military or family assistance or support groups.
- 3) Arranging for childcare on a non-routine, urgent need basis or enrolling or transferring a child into a new school.
- 4) Making or updating financial or legal arrangements.
- 5) Attend counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of a covered military member.
- 6) Taking up to five days of leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment.
- 7) Attendance at certain post-deployment activities such as arrival ceremonies, reintegration briefings, or other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status.
- 8) Any other additional events arising from the covered member's active duty or call to active duty status as agreed to by the employee and the University.

A covered military member is the employee's spouse, son or daughter (including biological, stepchild, adopted, foster, legal ward or a child for whom the employee stood in loco parentis), or parent (biological, step, foster, or person who stood in loco parentis for the employee) who is on active duty or called to active duty status in the Armed Forces, Reserves, or National Guard for a contingency operation.

The employee may elect to use his/her available accrued vacation, personal days or unpaid leave for the duration of the FMLA Qualified Exigency Leave. If the employee does not have enough or does not use paid benefit time to cover the length of the leave, the employee will then go on unpaid leave during the FMLA period.

General Conditions and Procedures for Military Caregiver Leave. Military Caregiver Leave may apply to covered employees with qualified family members in the Armed Forces, National Guard, Reserves or qualified Veteran and may be taken by an eligible employee to care for a covered servicemember who incurred a serious injury or illness in the line of active duty that may render the servicemember medically unfit to perform the duties of the member's office, rank, grade, or rating. In the case of veteran who was a member of the Armed Forces, including the National Guard or Reserves, a covered employee may take Military Caregiver leave to care for an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran. The servicemember or veteran may be undergoing medical treatment, recuperation, therapy in outpatient status, or on the temporary disability retired list. The veteran must have been a member of the Armed Forces, including the National Guard and Reserves, at any time during the period of 5 years proceeding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

An eligible employee is the spouse, child (biological, step, foster, adopted, legal ward), or a child for whom the covered service member stood in loco parentis), parent (biological, step, adoptive, foster, or an individual who stood in loco parentis to the covered service member) or next of kin of a covered service member. 'Next of kin' is defined as the nearest blood relative other than the covered service member's spouse, parent or child.

An eligible employee may take a total of 26 work weeks off within a single 12-month period. However, the total FMLA leave may not exceed more than 26 work weeks of FMLA in a single 12-month period for ALL FMLA qualifying reasons. (For example, employees requesting Military Caregiver leave may take a total of 26 work weeks off within a single 12-month period. During this single 12-month time period, an employee is limited to a combined total of 26 work weeks of military caregiver AND any other types of FMLA leave. However, the employee may not take more than 12 work weeks off during this period for other FMLA qualifying reasons.)

Military Caregiver Leave is a 'per servicemember, per-injury' entitlement. However, no more than 26 work weeks of leave may be taken within any "single 12 month period".

In conditions of emergency when an eligible family member receives an 'invitational travel order" (ITO) or 'invitational travel authorization" (ITA), the

University will accept that documentation in lieu of the Department of Labor certification form.

If the covered servicemember's need for care extends beyond the expiration date specified in the IOT or ITA, the employee must provide medical certification for the remainder of the employee's leave period.

The employee must use his/her available accrued sick time during his/her Military Caregiver FMLA leave. After use of all applicable sick time, the employee may elect to use his/her accrued vacation, personal days or unpaid leave for the duration of the FMLA leave. Once the employee has used his/her sick, vacation, and personal days, the employee will then go on unpaid leave for the remainder of the FMLA leave.

If a leave can be designated as either a Military Caregiver Leave or as a leave taken to care for a family member with a serious health condition, the University will designate the leave as a Military Caregiver Leave first.

Intermittent and/or reduced schedule leaves. An employee may request and be granted intermittent/reduced schedule leave *for all FMLA leaves except for non-medical leaves in connection with the birth of a child, an adoption or foster care.*

Intermittent/reduced schedule leave must be taken in no less than 15-minute increments, be scheduled when possible by the employee so not to unduly interfere with the department's operations and when possible, at least three days in advance.

Intermittent/reduced schedule leave is counted toward the 12 work week maximum FMLA leave which can be used during a 12-month period (or towards the 26 work week maximum amount allowed in a single 12-month period for Military Caregiver Leave).

Intermittent/reduced schedule leaves, unless otherwise noted, are subject to the appropriate general provisions of this policy.

If the employee was temporarily transferred to another position during his/her intermittent or reduced schedule leave, the employee is requested to give the University three days notice of the ability to end the leave and return to his/her former position or an equivalent position.

An Intermittent Leave may be taken intermittently or on a reduced schedule, but the total amount of time off cannot exceed 12 work weeks of the employee's normal hours worked, except for Military Caregiver Leave, which allows for up to 26 work weeks of leave. For example:

Full-time employee:

$$40 \text{ hours/week} \times 12 \text{ weeks} = 480 \text{ hours}$$

Part-time employee who works an average of 24 hours a week:
 24 hours/week x 12 weeks = 288 hours

Notification and certification requirements. The University requires certain notification from employees who wish to take a leave under the parameters of the FMLA.

The employee must notify his/her supervisor of the need for leave 30 calendar days prior to the date the leave will begin. If the employee is unable to provide 30 days advance notice (as in the case of a medical emergency or qualifying exigency), the employee must notify his/her supervisor as soon as practicable.

When the need for leave is unforeseeable, an employee must comply with normal call-in procedures absent unusual circumstances.

Failure to provide timely notice (when determined it was possible to do so) may result in delaying or denying approval of the FMLA.

Initial Certification: The University may require certification from the employee's health care provider, or appropriate certifying agency or person, to verify the reason for the requested FMLA leave. When the Office of Human Resources receives a FMLA request, the employee will be provided a certification form which must be completed and returned to HR no later than 15 calendar days from the date the form is given to the employee. If further clarification is required, the employee will be provided additional time consistent with the FMLA regulations to obtain the information. The employee is responsible to pay any costs associated with obtaining the required medical certification. Failure to timely provide the required certification may result in the leave being delayed or denied.

The University reserves the right to ask for a second opinion by a health care provider chosen by the University (except that no second or third opinions will be required for Military Caregiver Leave) to confirm that the employee is needed to care for the family member or that the employee is not able to perform his/her job duties. The University will pay for such an opinion. If the University requests a third opinion, that opinion will be final and binding. If ever needed, the University will pay for the third opinion and the University and employee will work together to reach agreement on whom to use for the third opinion. All certifications must be provided to the University within 15 calendar days of the University's request

Continuing Certification/Recertification: In appropriate circumstances, but not for qualifying Military Caregiver or Qualifying Exigency Leaves, the University may request from the employee verification of the need to continue the leave every 30 days, or annually, or whenever circumstances change as permitted by the FMLA. Failure to provide such requested documentation within the appropriate deadlines may result in termination of FMLA leave

A “health care provider” would include, for example, a licensed doctor of medicine or osteopathy, dentist, clinical psychologist, and other health care providers who are authorized to practice under State law and under the scope of their practice as defined by State law.

When the employee is ready to return from a leave that was necessitated by the employee’s own health condition, he/she must submit medical verification (if applicable) of his/her ability to return to work with or without reasonable accommodation. Failure to submit such documentation will delay the employee’s return to work.

In order to verify the need to take time off for a Qualifying Exigency Leave, the employee must present a copy of the military member’s active duty orders specifying that he/she is serving in support of a contingency operation, or a written schedule or appointment of a meeting with a third party, or other approved confirming information. For Military Caregiver Leave, the employee will need to obtain certification from an authorized health care provider that meets Military Caregiver Leave certification requirements.

University notice. After an employee requests leave, the University will inform the employee whether the employee is eligible under FMLA. If the employee is eligible, the notice will specify any additional information required as well as the employee’s rights and responsibilities. If an employee is not eligible, the employee will be notified and given a reason for the ineligibility. The employee also will be informed if the leave will be designated as FMLA leave and, if known, the amount of leave counted against the employee’s total leave entitlement. If the University determines that the leave is not covered by the FMLA, the employee will be notified of this determination

Employee job rights. The employee will be returned to his/her position or an equivalent position at the end of the FMLA leave, provided that the appointment period of employment did not expire during the leave, that the University is still offering those services previously performed by the employee at the time the employee is ready to return to work, or that the employee’s position was not eliminated due to a business or economic reason.

If an employee is requesting an intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the University has the right to transfer the employee to another position during the time period of such leave. However, such a temporary transfer would be to a similarly situated and similarly classified position. The employee’s salary, benefits, etc. will not be negatively affected.

If an employee does not return to work after the conclusion of FMLA leave and he/she does not apply for and receive approval for another University leave, he/she will be considered to have terminated employment with the University. The effective date of termination will be the last date of the FMLA leave.

The University will not discharge or discriminate against, or otherwise interfere with, restrain or deny an employee from exercising rights under the FMLA.

Employee benefits and pay. Various employee benefits and eligibility for paid leave may vary for each employee.

Sick and vacation accrual: The employee will accrue sick and vacation time, if eligible to do so, while on University paid leave but will not accrue vacation or sick time while on unpaid leave.

Insurance coverages: The employee will continue to receive University-provided medical/dental/vision, life, and LTD insurances in the same manner as he/she received when working. Such benefits will continue whether the leave is paid or unpaid. If a co-payment is required, provisions to pay the co-payment during an unpaid leave must be arranged by the employee by contacting HR. The same procedure will be followed for collecting premiums under an unpaid FMLA leave as is done for other unpaid leaves. Failure to make required payments may result in loss of coverage, or in an obligation to repay the University once the employee returns from FMLA. If the leave is paid, any required premium will be deducted from the employee's paycheck in the customary manner.

If an employee does not return from the FMLA leave, he/she may be required to repay the University for the cost of that benefit while he/she was on leave, unless failure to return is due to a serious health condition or other circumstances beyond the employee's control.

If the employee does not return from leave, he/she may continue his/her insurance coverage by electing to continue coverage on a self pay basis under the COBRA provisions. The COBRA effective date is the first of the month following the date the employee notifies HR that he/she is not returning from leave or the date the leave expires and the employee does not return, whichever occurs first. However, if the employee continues on a paid medical leave after the expiration of the FMLA leave, COBRA will not be offered until the first of the month following the date the employee's paid leave expires.

The University will reduce the pay of an exempt employee for FMLA related absences unless the employee utilizes the use of appropriate paid benefit time (such as sick pay or vacation pay) to cover the absence. This will not affect the employee's exempt status under the Fair Labor Standards Act.

Whether the FMLA is considered paid or unpaid is determined by the accrued benefits the employee is eligible to take and the specific FMLA leave the employee has requested. Specific information on the type of leave time that is allowed for each FMLA leave is explained in the section(s) of this policy which explain the general leave conditions for each specific leave.

Other leaves of absence. The University policy on Time Reduction and other applicable University policies on leaves of absence will run concurrently with the

provisions of FMLA when applicable. Additional paid or unpaid leave may be considered or required consistent with other University approved leaves of absence and policies.

Unlawful acts and enforcement. The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA, or for involvement in any proceeding under or relating to the FMLA. 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 agreement which provides greater family or medical leave rights.

Responsibility.

Employee: Request the appropriate leave, provide prompt notice of absence in compliance with policies, complete required forms as applicable, answer questions necessary to permit appropriate determinations about eligibility and the need for FMLA leave, and provide updates as needed, relating to the situation.

Supervisor: Comply with policies, report leaves to appropriate University offices, etc. Report FMLA eligible absences to HR and to payroll via normal payroll reporting procedures.

Human Resources: Monitor FMLA requests, usage and timelines, work with employees and designated supervisors for proper FMLA interpretation and processing.

Refer Questions To: *Human Resources*