



Policy Number: IV.20
Policy Level: Operating Policy
Originally Issued: September 18, 2018
Revised: April 13, 2020
Revised: April 6, 2021
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Revised: May 18, 2022
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Policy Owner: Vice President for Financial Affairs
Policy Implementation: CHRO/Assistant Vice President of Human Resources

Family Medical Leave Act (FMLA)

I. Policy Statement

The *Family and Medical Leave Act* (FMLA) was passed by Congress to balance demands of the work place with needs of families, promote stability and economic security of families, and promote national interests in preserving family integrity; minimize the potential for employment discrimination on the basis of gender by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and promote the goal of equal opportunity for women and men.

Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period in certain situations as provided by federal law. [Family Medical Leave Act.](#)

The leave will be without pay for up to 12 weeks in the “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

II. Notice and Certification

Designation of leave as FMLA leave must be made “up-front” whenever possible. As soon as practicable (or as otherwise required by law), an employee is expected to provide written notice to the employee’s immediate supervisor when requesting FMLA leave. The notice should state the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave.

During the FMLA approved absence period, an employee may use any form of accrued leave (sick, personal, annual), concurrently with FMLA leave. However, prior to moving to unpaid FMLA status, an employee will be required to exhaust all accrued sick leave.

Employees should be aware, in situations that any employee delay in requesting FMLA leave or in providing the University with information sufficient to reasonably determine whether the FMLA leave may apply (or any delay required by the University to make the eligibility determination, as



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allowed by law), will not prevent the University's retroactive application/assignment of FMLA leave to the period where FMLA leave would have been applicable.

The President or his/her designee, shall make the determinations (required by law for an employer) on behalf of the University concerning matters of FMLA eligibility. (Refer to Section IX of the [Leaves with Pay Policy](#))

The reference to twelve (12) weeks contained herein shall be adjusted as necessary with respect to leave protections to the families of U.S. Armed Forces members that are extended by federal law. The law allows up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness.

Employees requesting FMLA leave based on a serious health condition must provide:

1. Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
2. Second or third medical opinions (at the expense of the institution) and periodic recertification, if requested by the University, to the extent permitted by law; and
3. Periodic reports during FMLA leave regarding the employee's status and intent to return to work to the extent permitted by law.

If an absence which begins as other than FMLA leave later develops into an FMLA-qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA leave.

An employee on FMLA leave due to a serious health condition **must** furnish, prior to returning to work, documentation (at employee's expense) from a health care provider, certifying that the employee is fit to return to duty.



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III. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the Vice President for Financial Affairs is the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every 3 years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to the CHRO/Assistant Vice President of Human Resources, under the direction of the Vice President for Financial Affairs.