



## POLICIES AND PROCEDURES

Originator: Ken Revenaugh  
Subject: Family Leave Act  
Date: July 2, 1996

### A. BACKGROUND

The U.S. Congress enacted the Family and Medical Leave Act (FMLA) in 1993. This act requires covered employers to provide up to 12 weeks of unpaid job-protected leave to eligible employees for certain family and medical reasons.

### B. POLICY

Employees who have worked for the University for at least 1 year and for 1,250 hours over the previous 12 months may request up to 12 weeks of unpaid leave for the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform the employee's job.

At the employee or employer's option, accrued sick leave and vacation may be substituted for unpaid leave. The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

1. The employee must provide 30 days advance notice when the leave is "foreseeable".
2. The University may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the University's expense) and a fitness for duty report to return to work.

The University will maintain the employee's health/dental insurance through the University's carrier during the leave. Upon return from the leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. All other benefits may be maintained at the employee's expense (i.e. Cancer, Life and Long Term Disability Insurance, and continued participation in the annuity).

### C. GUIDELINES

The FMLA makes it unlawful for any employer to:

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

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may also bring a civil action against an employer for violations.