

POLICIES

Issued: June 14, 2017

Responsible Official: Executive Vice President and Chief Operating and
Financial Officer

Responsible Office: Human Resources

Policy Statement

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In compliance with the Family and Medical Leave Act of 1993, as amended, ("FMLA" or "the Act") it is the policy of the University of Memphis to provide eligible employees up to 12 workweeks of leave during a 12-month period for family or medical leave, or for a qualifying exigency; or, up to 26 workweeks of leave for military caregiver leave during a 12-month period for reasons specified in this policy, to provide continued health insurance coverage during the leave period and to insure employee reinstatement to the same or an equivalent position following the leave period.

Purpose

In order to be eligible for FMLA, an employee must work for at least 12 months and work at least 1,250 hours during the year preceding the start of the leave. The determination of whether the employee meets the eligibility criteria for FMLA is based on the amount of service possessed by the employee as of the date the leave actually begins.

Procedures

Employee Eligibility

In order to be eligible for FMLA, an employee must work for at least 12 months and work at least 1,250 hours during the year preceding the start of the leave. The determination of whether the employee meets the eligibility criteria for FMLA is based on the amount of service possessed by the employee as of the date the leave actually begins.

FMLA Qualifying Events and Amount of Leave

Employees are entitled to 12 weeks of unpaid leave for the following events:

1. An employee's own serious health condition
2. The birth of a son/daughter and to care for the newborn child
3. The adoptive or foster care placement of a son or daughter with the employee
4. To care for the employee's immediate family member with a serious health condition

5. Qualifying exigency arising out of an employee's immediate family member who is a covered servicemember on covered active duty

Military Caregiver Leave and Amount of Leave

Employees who are immediate family members or next of kin of covered servicemembers are able to use up to a total of 26 weeks of unpaid leave during a single 12-month period to care for the servicemember with a serious illness or injury incurred or aggravated in the line of duty.

Determination of 12/26 Week Periods

The initial 12-month period starts on the date the employee's FMLA leave first begins. A new 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

Leave entitlement for the birth of a child or for Leave entitlement for the birth of a child or for adoption or foster care placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement. FMLA leave for these reasons must be concluded within this time period.

Leave to care for an injured or ill servicemember is to be applied on a per-covered servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemember's or to care for the same servicemember with a subsequent serious injury or illness. However, no more than 26 workweeks of leave may be taken within any single 12-month period.

Spouses who are both employees of the University are limited to a combined total of 12 workweeks of FMLA leave during a 12-month period if the leave is taken for the following reasons: 1) Birth of a child or for care of the child after birth; or 2) Adoptive or foster care placement of a son or a daughter or for care of the child after placement; or 3) To care for a parent with a serious health condition.

However, each employee would be entitled to take 12 workweeks of FMLA leave to care for a child, including a newborn, with a serious health condition. The aggregate number of workweeks of leave to which both that husband and wife may be entitled is limited to 26 workweeks during a 12-month period

Intermittent or Reduced Leave Schedule

Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing their normal weekly or daily work schedule, when medically necessary for their own or an immediate family member's serious health condition or for the serious injury or illness of a service member. Intermittent FMLA is also available for leaves due to a qualifying exigency. Employees who require intermittent leave or reduced-schedule leave must try to schedule their leave so that it will not disrupt the department's operations.

Notification

When the need for a medical or family leave is identified, the employee should immediately notify her or his supervisor or manager.

When the leave is expected to exceed three work days, the employee, supervisor, or department head are also responsible for notifying the Human Resources Benefits Administration of the leave even if the employee has sufficient sick and/or annual leave to cover the absence. Information concerning medical leaves is maintained in a confidential file separate from employee's personnel file in Human Resources.

An employee giving notice of the need for family or medical leave does not need to express his or her rights under FMLA or even mention FMLA to fulfill his obligation to provide notice. However, the employee must provide sufficient information for Human Resources to determine the leave is for a qualifying event.

The employee will be required to complete a Request for Medical Leave form at the beginning of the leave. If the employee is unable to request his or her own leave due to a serious illness, a family member may make the request on the employee's behalf

Medical Certification

The University will request a certification from a health care provider to support the need for leave. The employee must provide the requested certification within 15 calendar days after the request for leave unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

The employee is responsible for paying any costs associated with obtaining a certification or recertification, and any necessary clarification or authentication. Updated medical information may be required periodically during the employee's absence.

Substitution of Paid Leave

An employee is required to use, concurrently with the FMLA leave, the following paid leaves in the order listed: (1) sick leave available for use, as defined by the contract, rule, or policy governing the reason for the leave; (2) accrued compensatory time, if available; and (3) annual leave in excess of 10 days to which the employee is entitled. Where the FMLA leave is paid as a workers' compensation absence, then the employee is not required to use other forms of paid leave. An eligible employee has a right to take FMLA leave even if unqualified to take paid leave.

Holidays

A holiday that occurs within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave.

Restoration to Position

Upon returning from FMLA leave, an employee will normally be restored to his or her original position or to an equivalent position with equivalent benefits, pay, and other employment terms and conditions.

Health Insurance

For the duration of FMLA leave, the University is required to maintain an employee's health coverage under the State Group Insurance Plan under the same conditions coverage would have been provided if the employee had continued working. Although the employee is typically responsible for his or her share of premiums, the University shall pay the employer as well as any employee portion of premiums which

have not been remitted. Premiums paid on behalf of the employee will be deducted from the employee's paycheck following his or her return to work.

Longevity

An employee on FMLA leave, paid or unpaid, shall receive longevity in accordance with the provisions of TBR Guideline P-120 Longevity Pay.

Fitness for Duty

Prior to returning from leave for a personal health condition, the employee must secure a medical release from his or her healthcare provider confirming the release to return to work to perform the regular duties or set forth any restrictions. Failure to secure a medical release may delay restoration to employment and may result in termination.

Anti-Retaliation and Non-Interference

The University will not tolerate discrimination or retaliation against any person for requesting or using FMLA. Further, the University will not interfere with an employee's rights under the law. Any acts of retaliation or interference with rights should be reported promptly to the Office for Institutional Equity.

Related Forms

Request for Medical Leave

http://bf.memphis.edu/hr/forms/med_leave_request.pdf

Revision Dates

HR5028 – Supersedes UM1569 April 26, 2018
UM1569 - Revised June 14, 2017
UM1569 - Issued: June 9, 2004 - Supersedes procedure number 2D:05:01M

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
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