

## **FMLA, EXTENDED MEDICAL LEAVE and PARENTAL LEAVE**

1. Employees are entitled to take up to 12 weeks of unpaid leave within each 12 month period in compliance with the Family and Medical Leave Act. All employees are eligible, including Temporary employees, who have worked at least 12 months (these need not have been consecutive) and who have worked at least 1250 hours in the 12-months prior to the leave. Employees with accrued leave may use paid leave for an FMLA event and such leave shall be counted toward the entitlement. The start of the leave period shall commence with the first day of absence whether or not the employee continues in pay status. The twelve weeks will be calculated based on individual "rolling" 12-month periods measured backward from the date any Family and Medical Leave is used. Each time an employee takes Family and Medical Leave, the remaining leave entitlement would be any balance of the 12 workweeks, which has not been used during the immediate preceding 12-months.
2. Employees with one or more years of continuous service who have worked at least 1250 hours in the preceding twelve month period, may take extended medical leave up to six (6) months with appropriate medical documentation. The leave may be counted as six (6) continuous months or as an equivalent period of intermittent leave or a combination of both. That leave may be extended beyond six months with additional appropriate medical documentation and the approval of the Senior Vice President, Provost or Vice President, however, the extension of leave is not automatic or guaranteed. Upon the employee's return to work, after taking six months of medical leave, the employee shall work a minimum of six months before any additional periods of extended non-FMLA medical leave may be approved, unless this requirement is waived by the Provost or Vice President. If any medical leave meets the provisions for FMLA, the leave shall be counted as such. Employees in their first year of employment may take unpaid medical leave beyond their leave balance, with appropriate medical documentation and the approval of the Senior Vice President, Provost or Vice President, however this leave is not automatic or guaranteed.
3. Employees with one or more years of continuous service shall be provided with up to six months unpaid parental leave from the University, during which time the employee may use paid leave, when the employee becomes a biological, adoptive, or foster parent. Employees in their first year of employment may only take unpaid parental leave beyond their leave balance with appropriate medical documentation and special approval of the Provost or Vice President.
4. Parental leave may begin two weeks prior to the expected date of the child's arrival and must be completed no more than 6 months from the date of the child's birth or adoption. FMLA leave, alternatively, must be completed no more than 12 months following the birth, adoption or foster care placement of the child. FMLA leave for the birth or adoption of a child shall run concurrently with any University parental leave, and may not be used to provide an additional period of leave beyond 6 months. In the event that an employee chooses to take available FMLA leave commencing after the first 6 months following the birth, adoption, or foster care placement of the child, the University's six month leave policy will not apply.

5. Parental leave taken under the provisions of FMLA or the University's parental leave policy must be a consecutive period of time, and the employee must provide a minimum of 30 days notice prior to the leave period. Employees on parental leave may use up to six weeks of paid sick leave for the period of leave immediately following the birth of a child. Parental leave beyond the six week period may be covered by other accrued paid leave or remain a period of unpaid leave.
6. During approved unpaid leave for parental, foster care, medical, or military reasons, or during an approved Reduced Schedule, an employee may use accrued leave on an intermittent basis to continue the contributions to State benefits and other expenses.
7. Annual and sick leave accrual is based on the number of hours paid in the pay period, and therefore, during periods of leave without pay, no annual or sick leave accrual will occur.
8. Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period.
9. While on paid leave, or on any extended leave without pay, the employee may not be employed elsewhere without the written permission of the University, consistent with the guidelines on Reporting of Outside Employment.
10. At the completion of the leave period, an employee must present medical certification stipulating the employee's ability to return to work and perform the essential functions of the position. If the employee fails to obtain medical certification, or is unable to perform the essential functions of the position with or without accommodation, the University may offer the employee other available, suitable employment; extend the period of leave; request that the employee resign; or terminate the employment due to inability to perform the duties of the position.
11. FMLA entitles an employee to take up to 26 workweeks of leave to care for an immediate family member (spouse, son, daughter, parent, or next of kin) who is an active duty member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness occurring while on active military duty. Eligible employees are also entitled to take military caregiver leave to care for a current service member whose serious injury or illness is caused by the aggravation in the line of duty of a preexisting condition. Employees are also eligible for up to twelve weeks of FMLA leave when an immediate family member (spouse, son, daughter, parent, or next of kin) who is a soldier, reservist or member of the National Guard has a "qualifying exigency" when deployed to a foreign country. A qualifying exigency is defined as: short notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories but agreed to by the employer and employee.