



Family Medical Leave Act Policy

Office: Office of Human Resources

PURPOSE: Family Medical Leave Act Leave (FMLA Leave) is an unpaid leave that employees may use in cases where they must miss work due to personal injury or illness. FMLA Leave may also be used in order to care for an injured or ill family member. Finally, there are also special provisions that allow employees to use FMLA Leave to care for covered military service members or veterans. The University of Indianapolis will comply with all federal and state regulations related to FMLA Leave.

REFERENCE DOCUMENTS/ RELATED INFORMATION:

United States Department of Labor - Wage and Hour Division - FMLA Documents:

Certification of Health Care Provider for Serious Health Condition

Certification Health Care Provider for Family Member's Serious Health Condition

Notice of Eligibility and Rights & Responsibilities

Designation Notice

Certification of Qualifying Exigency for Military Family Leave

Certification for Serious Injury or Illness of Covered Service member – for Military Family Leave

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

SCOPE: All employees

Employees are eligible for FMLA Leave if they meet all of the following criteria:

1. Have worked for the University for at least 12 months
2. Have worked at least 1,250 hours for the University during the 12 calendar months immediately preceding the request for leave

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA – covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

Employees with questions about FMLA eligibility should contact the Human Resources department.

POLICY HISTORY: N/A

POLICY STATEMENT:

The University of Indianapolis will comply with all federal and state requirements related to the Family Medical Leave Act (FMLA Leave). All qualifying employees will be eligible for any time guaranteed them by state or federal regulations related to FMLA Leave. FMLA Leave is an unpaid leave.

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Married couples. In cases where a married couple is employed by the same University, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the University will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the University may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

Highly compensated employees may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the University. (This fact-specific determination will be made by the University on a case-by-case basis.) The University will notify employees if they qualify as "highly compensated" employees if the University intends to deny reinstatement, and of employees' rights in such instances.

FMLA Leave will also run concurrent with time away from work covered under Worker's Compensation due to an injury that occurred during work.

While an employee is on FMLA Leave and is receiving pay because of paid leave time, (for staff positions, any available paid leave time is required to be exhausted concurrently with FMLA Leave starting with sick time and followed by vacation time), all payroll deducted insurance premiums will be withheld from any paychecks processed. If an employee is on unpaid FMLA Leave, the employee will be responsible for paying any premiums necessary to maintain coverage of any payroll deducted insurance plan. Employees may make arrangements with the Human Resources department to make payments via check or money order to cover missed insurance premiums. Employees will be given a 30-day grace period to pay any owed insurance premiums.

Time spent on leave without pay will not be counted in computing years of service that apply toward eligibility for promotion and tenure. Additionally, time spent on leave without pay will not be counted toward accruing additional sick or vacation time.

PROCEDURES: Employees can request FMLA Leave paperwork from the Human Resources department (HR). Managers, supervisors, and HR representatives are required to inform employees that they may be eligible for FMLA Leave if the manager, supervisor or HR representative reasonably believes the employee may be in need of FMLA Leave. Supervisors and managers should also inform HR that they have given FMLA Leave information to an employee so that HR can document the action. (Note: Employees who are absent, or know beforehand that they will be absent for three (3) consecutive days or more should request FMLA paperwork from the Human Resources Department.)

Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give the University at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

When submitting a request for leave, the employee must provide sufficient information for the University to determine if the leave might qualify as FMLA leave, and provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

When an employee requests leave, the University will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the University will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the University will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

Medical Certification

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from HR. When the employee requests leave, the University will notify the employee of the requirement for medical certification and when it is due.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The University, at its expense, may require an examination by a second healthcare provider designated by the University, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the University, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The University may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. Employees may also be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.

