



UNIVERSITY POLICY

HUMAN RESOURCES POLICIES

Number: 315
Subject: Family Medical Leave Act Policy
Covered Individuals: UIU Employees
Covered Campus Locations: All Locations
Effective Date: September 4, 2019
Last Revision:

PURPOSE Upper Iowa University (UIU or University) complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

POLICY

FMLA Leave Eligibility:

An *eligible employee* under the FMLA is an employee who has been employed by UIU for at least 12 months, and has worked at least 1,250 hours in the past 12 months.

Reasons for FMLA Leave:

An eligible employee may take FMLA leave of up to 12 weeks per rolling calendar *year*, for any of the following reasons:

- to care for a newborn child, or a child newly placed in the employee's custody through adoption or foster care for a period of up to one year after such birth or placement
- to care for the employee's spouse, child, or parent who has a serious health condition
- because of the employee's own serious health condition if that condition renders the employee unable to perform his or her job functions
- for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the Armed Forces, National Guard, or Reserves.

Additionally, an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness will be allowed up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member. Covered service members also include non-dishonorably discharged veterans for up to five years after military service ends. The serious injuries or illnesses for these veterans include those that manifested before or after veteran status began.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's FMLA leave entitlement.

Serious Health Condition:

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a *serious health condition*, such a condition includes any injury, illness, impairment, or physical or mental condition that requires either in-patient care in a medical facility (for example, overnight hospitalization), or continuing treatment by a health-care provider. These terms are construed by the University in accordance with applicable federal laws and regulations.

Leave Year:

For the purpose of this policy, the *leave year* within which an eligible employee may take his or her 12 weeks of FMLA-protected leave means the rolling calendar 12-month period beginning on the date the employee first takes leave for any of the reasons set forth previously.

Compensation for FMLA Leave:

FMLA leave is unpaid. However, employees with paid leave available must use such paid leave concurrently with FMLA leave. Such paid leave will be counted towards the employee's 12 weeks of FMLA leave granted per leave year.

Intermittent or Reduced Hours Leave:

In the case of leave taken to care for a seriously ill spouse, child, or parent, or due to the employee's own serious health condition, an employee may take leave intermittently (i.e., periodically) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health-care provider. Leave for qualifying exigencies may also be taken on an intermittent or reduced leave schedule basis. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

Job and Benefits Security:

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other

terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

Continuation of Group Health Plan Coverage:

Group health plan coverage will be maintained by UIU during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. For employees who move to an unpaid status, premium payments should be made to the Human Resources Office on the 20th of each month. Human Resources will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage.

Employee Notice Requirements:

An eligible employee must give the University at least 30 days' notice of his or her intent to take leave under the FMLA. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as practicable. Typically, this will mean giving notice to the University within one or two working days of learning that FMLA leave must be taken.

Healthcare Provider Certification:

In cases of leave to be taken to care for a seriously ill family member or due to the employee's own serious health condition, an eligible employee must provide the University with a completed and signed certification from a health care provider indicating that the employee requires FMLA leave. This certification must be returned to the University within 15 days after the employee gives notice of his or her intent to take FMLA leave, and must contain the following information:

- the date on which the serious health condition commenced
- the probable duration of the condition
- the treatment regimen prescribed
- any appropriate medical facts within the healthcare provider's knowledge regarding the condition
- if applicable, a statement that the employee is needed to provide care for his or her spouse, child, or parent and an estimated duration of such need
- if applicable, a statement regarding the medical necessity of intermittent or reduced hours schedule leave.

Failure to return this certification in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave.

The University also may require, at its own expense, a second and third opinion if there is a question as to the validity of the certification provided by the employee.

An eligible employee may be asked to furnish the University with recertifications on a reasonable basis during the employee's intermittent leave period. An eligible employee's failure to furnish subsequent certifications may result in termination of the employee's right to leave.

An eligible employee on FMLA leave must submit to the University a medical release indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with the University.

Nondiscrimination/Nonretaliation Policy Statement:

UIU will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

RULES, PROCEDURES, GUIDELINES, FORMS, AND OTHER RELATED RESOURCES

N/A

CONTACTS

Acting as the policy owner, the Office of Human Resources is responsible for answering questions regarding the application of this policy.

SANCTIONS

N/A

HISTORY

- August, 2019 -- Policy assembled
- August 16, 2019 -- Recommended by University Policy Committee for approval
- September 4, 2019 -- Approved by President's Council