



# Family Medical Leave Policy

**Document Number:** HMRS-0051

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## *General Description*

### **Policy Summary:**

Trinity University provides family medical leave to employees in accordance with the law.

### **Purpose:**

The purpose of this policy is to provide employees with information about the availability of family medical leave and the process for requesting and reporting such leave.

### **Scope:**

This policy applies to all Trinity University faculty and staff.

### **Exceptions:**

Exceptions to this policy must be approved by the applicable Vice President, in consultation with Human Resources.

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## *Policy Content*

### **Family Medical Leave**

The Family and Medical Leave Act allows eligible employees to take up to 12 weeks of job-protected leave for specified family and medical reasons, and up to 26 weeks for military caregiver leave.

### **Eligibility**

Employees are eligible to take FMLA if they have worked for the University for at least twelve months and have worked 1,250 hours of service (in paid status) during the 12 month period immediately preceding the request for leave. An employee may request a maximum of twelve weeks leave during the twelve-month period which is a “rolling” twelve-month period measured backward from the date of any FMLA leave usage.

Family and Medical Leave may be granted for:

1. the birth of a child, and to bond with the newborn child;
2. the placement of a child with the employee for adoption or foster care, and to bond with the child;
3. the care of an immediate family member (spouse, child, or parent) with a serious health condition; or
4. the employee's own serious health condition.
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a service member on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

Leave taken under a disability leave plan or as workers' compensation that also qualifies as FMLA leave due to the employee's own serious health condition may be designated as FMLA leave. Medical leave and benefits will be coordinated between Human Resources and the Risk Management department in accordance with applicable law.

An eligible employee may also take up to 26 workweeks of unpaid, job protected leave during a "single twelve-month period" to care for a covered servicemember with a serious injury or illness, when the employee is a spouse, son, daughter, parent or next of kin of the servicemember. The "single twelve-month period" for military caregiver leave is different from the twelve-month period used for other FMLA leave reasons.

## **Intermittent Leave**

When it is medically necessary, an employee may request intermittent leave (separate blocks of time due to a single qualifying reason) or a reduced work schedule (less hours per workweek or work day). The medical necessity of intermittent or reduced leave must be certified. If intermittent leave or reduced hours are medically necessary and foreseeable for planned medical treatment, the employee must make a reasonable effort to schedule the treatments so as to not unduly disrupt the operations of the university. Periodic re-certification may be requested, including if the medical circumstances of the original certification change significantly (for example duration of the illness, nature of the illness, additional leave time beyond the original request). During the period of intermittent or reduced scheduled leave that is foreseeable based on planned medical treatment, the employee may be temporarily transferred to an alternative position that better accommodates the recurring periods of leave.

## **Requesting Family and Medical Leave**

Employees must submit a written request for FMLA to Human Resources. In cases where the leave is foreseeable, the request must be submitted at least thirty days prior to the commencement of leave. When the need for leave is unforeseeable or foreseeable less than 30

days in advance, the employee must provide notice as soon as possible and practicable under the circumstances. In addition, when possible, employees should make reasonable efforts in scheduling leaves to avoid disrupting the work unit. Family and medical leave requests must be documented by a physician or health care provider, except in cases of the birth or adoption of a child. Medical certification forms are available from the Office of Human Resources. The requested leave will be coordinated with Human Resources and the applicable supervisor.

## **Salary and Benefits during Family Medical Leave**

Employees will be required to use Vacation leave, Sick Leave and/or Parental Leave (if applicable) concurrently with Family Medical Leave for any part of the twelve-week Family and Medical or Military Leave when paid leave is available. During an approved leave, the employee remains eligible to continue medical, dental, life, and disability premiums. The University will continue to contribute its portion of the total premium, and the employee will pay the remaining balance on a schedule agreed upon by the University and the employee. Using paid leave will not extend the maximum amount of leave available. When paid leave is exhausted, the remaining leave is unpaid. Sick leave and vacation benefits will continue to accrue only during the portion of leave when the employee is in paid status.

## **Authentication, Requests for Additional Information, Second/Third Opinions, and Recertification**

The University may require a health care provider to authenticate or clarify a certification. In addition, when the University does not have sufficient information to determine whether leave is Family Medical Leave-qualifying, additional information may be requested. In addition, the University may require an employee to undergo a second and/or third opinion or to obtain recertification, as allowed by law.

## **Return to Work**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Upon returning to work, an employee needs to provide a release to return to work. If not released to full duty, the employee may be asked to provide a Work Capacity Medical Release form. Human Resources will work with the supervisor on any requested accommodations prior to returning to work. However, an employee is considered to have resigned voluntarily if:

1. The employee does not return to work after the end of the approved leave period and has not received additional leave as a reasonable accommodation.
2. The employee has accepted other non-military employment during the leave period.

For details and request on Family Medical Leave and FMLA Military Leave, please contact the Office of Human Resources.

## Terms & Definitions

### Terms and Definitions:

Term:	Definition:
Health Care Provider	<ul style="list-style-type: none"> <li>•A doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices,</li> <li>•A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (with limitations) authorized to practice in the state and performing within the scope of his or her practice;</li> <li>•A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his or her practice;</li> <li>•A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or</li> <li>•Any health care provider from whom the employer or the employer's group health plan's benefits manager will accept a medical certification to substantiate a claim for benefits</li> </ul>

## Revision Management

### Revision History Log:

Revision #:	Date:	Recorded By:
v2.0	3/31/2020 8:59 AM	Gary Logan
v1.0	2/25/2020 9:30 AM	Rachel Rolf

### Vice President Approval:

Enter Vice President(s) that are responsible for approving this document

Name:	Title:
Gary Logan	Vice President for Finance & Administration