

APPENDIX C

FAMILY MEDICAL LEAVE ACT GUIDELINES (FMLA)

The Family and Medical Leave Act (FMLA) of 1993 requires all employers with more than 50 employees to provide up to twelve (12) weeks of unpaid, job-protected leave during any twelve-month period to "eligible" employees for certain family and medical reasons. In all cases, the twelve-month period will begin the first day FMLA leave begins.

Eligibility

Faculty, executive/administrative/professional staff and support staff are eligible to take unpaid FMLA leave if employed by ISU for at least twelve (12) months and have worked for at least 1,250 hours during the twelve-month period before the leave. Salaried employees who have worked at least twelve (12) months are presumed to have met the 1,250 hour requirement.

Part-time and temporary employees, including graduate assistants, who have been employed at least twelve (12) months and who have worked at least 1,250 hours during the previous twelve (12) months are also eligible to take unpaid FMLA leave for the duration of the position.

Procedures

In any situation where FMLA leave is requested, the employee is expected to give the supervisor and the Staff Benefits Office at least 30 days advance notice of leave. Otherwise, notice must be given with as much lead time as possible. This requirement will be met by completing the ISU Family and Medical Leave Request Form available from the Staff Benefits Office, or by verbal notification within two (2) days of learning of the need for the leave.

Employees on FMLA leave are not entitled to the accrual of any service credit during the period of unpaid leave including faculty tenure service credit. Depending on the leave reason, the employee must first use all accumulated sick leave and, if eligible, vacation and the convenience day, before beginning unpaid leave. All related information will be maintained in a separate, confidential FMLA file.

Sickness related to pregnancy or medically determined inability to work due to pregnancy is given the same consideration for sick leave with pay as other sickness or injury. Sick leave may be used until the date released for work by the physician. Any additional time off after the work release date will be charged as vacation, if available, or leave without pay.

If the employee returns after the leave, the University will return the employee to the same or equivalent position and benefits.

However, neither sick leave nor vacation will accrue while the employee is on unpaid leave.

Medical certification from the employee's health care provider will be required at the employee's expense and must be provided within fifteen calendar days after the date of the leave request unless it is not practical to do so under the circumstances. The ISU Family and Medical Leave Certification Form, or an approved substitute, must be completed and submitted to the Staff Benefits Office.

The Staff Benefits Office may require an additional medical opinion which will be at the University's expense.

A new certification form may be required periodically as a means of updating the University on the status of the employee's FMLA leave.

Continuation Of Benefits During Leave

An employee who goes on FMLA leave will be entitled to continue health benefits. For health benefits during any paid portion of an FMLA leave, employee contributions will be collected in the same way as if actively at work (i.e., through payroll deductions). For health benefits during an unpaid leave, the employee will be billed for the normal monthly contribution. When feasible, the employee may choose to prepay health coverage contributions (i.e., through increased payroll deductions or other arrangements) when the need for unpaid FMLA leave is foreseeable. Failure to pay the required contributions while on leave will result in cancellation of benefits coverage; however, benefits will be fully reinstated when the employee returns to work.

If the employee voluntarily does not return to work after the FMLA leave, the University may charge the employee retroactively for the University's portion of the health care premium cost paid during the unpaid FMLA leave.

The employee is considered as having returned to work after FMLA leave by the time he/she has been back to work for at least 30 calendar days.

FMLA Leave Reasons

- A. Leave for the birth of the employee's child or to care for the newborn child or child placed with the employee for adoption or foster care.**

FMLA leave for a newborn child or for the adoption or foster care placement of a child must be completed within twelve (12) months of the birth, adoption, or placement. Leaves for these reasons must be taken in a block of time. Intermittent or reduced schedule leave is not permitted regardless of the employee's classification.

When both husband and wife are employed by the University, they are jointly entitled to a combined total of twelve (12) weeks of FMLA leave under this leave reason.

When the leave is for a newborn child of a female employee, a portion of the leave may be used toward the "employee's own serious health condition" as indicated in the following leave reason. The total under both leave reasons may not exceed twelve (12) weeks.

If applicable, the employee must first use all accumulated vacation leave and the Convenience Day before beginning the unpaid FMLA leave. In addition to FMLA, the University offers family leave and personal leaves of absence for those employees who qualify. (See University Handbook, Section IV)

B. Leave for the employee's own serious health condition.

"Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that may include:

- inpatient care in a hospital, hospice, or residential medical care facility;
- any period of incapacity requiring absence from work of more than three (3) calendar days that also involves continuing treatment (two or more visits) by or under the supervision of a health care provider;
- continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

Intermittent or reduced schedule leave is permitted when medically necessary and must be recorded on an hour for hour basis regardless of the employee's category. This will not affect the exemption from Fair Labor Standards Act overtime provisions for those in exempt positions.

If FMLA leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption of the employing department. The University reserves the right to move an employee who is on intermittent or reduced schedule leave to an alternative position that can better accommodate such scheduling. All such moves must receive the approval of the Human Resources Office and the appropriate vice president.

Before an employee may return to work following a serious health condition, a fitness-for-duty medical certification from the treating health care provider is required by the Staff Benefits Office.

C. Leave for the serious health condition of a husband or wife, child, or parent (but not parent-in-law).

The definition of a "serious health condition" is defined in leave reason B.

When both husband and wife are employed by ISU, they are each entitled to twelve (12) weeks of FMLA leave under this provision when the family member is the spouse or child.

An employee's "child" may be a biological, adopted, or foster child, a stepchild, a legal ward, or a child for which the employee was acting in a parent-like capacity. The "child" must be under 18 years of age or over 18 years of age and incapable of self-care because of a mental or physical disability. The child does not have to live with the employee or be a legal dependent.

Intermittent or reduced schedule leave is permitted when medically necessary and must be recorded on an hour for hour basis regardless of the employee's category. This will not affect the exemption from Fair Labor Standards Act overtime provisions for those in exempt positions.

If FMLA leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption of the office or department. The University reserves the right to move an employee on intermittent or reduced schedule leave to an alternative position that can better accommodate such scheduling. All such moves must be approved by the Human Resources Office and the appropriate vice president.

If applicable, the employee must use family sick leave, all accumulated vacation and the convenience day, before beginning unpaid leave. (See University Handbook, Section IV, "Leaves")