FMLA Leave

Purpose

To provide a process where an eligible employee can request Family and Medical Leave.

Policy

The University provides up to twelve (12) weeks of unpaid family and medical leave during a period of twelve (12) months in accordance with the Family and Medical Leave Act (FMLA) of 1993. Family and medical leave is available to eligible employees for the following reasons: The employee's serious health condition; the birth and care of the employee's child; the placement of a child for adoption or foster care with the employee, or the care of the employee's spouse, child, or parent with a serious health condition; a qualifying exigency arising out of active military duty or a notice of impending call or an order to active duty of an employee's spouse, parent, or child; to an employee who is the spouse, parent, child or next of kin of an injured service member, under this reason and eligible employee may qualify for up to 26 weeks in a 12-month period.

FMLA can be taken intermittently during the approved period.

Procedures

If an eligible employee experiences or foresees a qualifying event, the employee shall give advance notice to the supervisor of the need to take family and medical leave with as much notice as possible.

When an employee has requested family and medical leave, or the supervisor recognizes the possible application of family and medical leave, the supervisor shall provide written notice to Human Resource Services (HRS) within two (2) business days, absent extenuating circumstances. The leave is designated as provisional family and medical leave status pending eligibility from HRS. The supervisor shall contact HRS with any questions.

Upon receipt of notification, HRS shall provide the employee a Certification of Health Care Provider form (Form 380). HRS shall evaluate the completed form and will take one of the following actions as defined under the FMLA Policy.

Employees with available annual leave and sick leave are required to utilize all accumulated annual leave and sick leave, if applicable, when taking leave under the Act. Employees without available paid annual(vacation) leave or sick leave will not be paid while on family and medical leave.

Employee will be required to submit periodic updates of their FMLA status as requested by HRS. The employee will also be required to submit a leave request prior to departing on leave for the approved leave period.

For more information regarding eligibility, leave duration, etc. employees are requested to contact HRS or review the policy in the Human Resources Chapter of the Handbook of Operating Procedures.

Applicability

Eligible Faculty and Staff.
Definitions

- **Eligible Employees** - employees who have been employed by the state of Texas for a total of at least twelve (12) months, and have worked at least 1,250 hours during the twelve-month period prior to the commencement of the requested leave, are covered by the Family and Medical Leave Act.
- **Spouse** - a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.
- **Parent** - a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined below. This term does not include an employee's parent-in-law.
- **Son or Daughter** - a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."
- **Serious Health Condition** - an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
- **Intermittent Leave** - leave taken in separate blocks of time to cover a single illness or injury.

**Responsible Party**

Director, Human Resource Services

Last updated: October, 2008