

**Family & Medical Leave Act (FMLA)
BU-PP 408**

Policy:

Baylor University faculty and staff are eligible for a Family and Medical Leave Act (FMLA) leave if they have been employed for at least twelve (12) months and have worked at least 1,250 hours during the prior twelve (12) months.

Subject to the requirements of this policy, an approved paid or **unpaid** leave will be granted for up to twelve (12) workweeks during any 12-month period for the following reasons:

- The birth and care of a child;
- The placement of a child for adoption or foster care in the employee's home;
- The care of the employee's spouse, child or parent (not in-laws) with a serious health condition;
- The employee's serious health condition that renders him/her unable to perform the functions of his/her job.

Topics:

General Provisions
Use of leave
Serious Health Conditions
Health Care Provider
Request/Documentation
Department Responses to Request for Leave
Benefits While on Leave
Retirement Plan/Long Term Disability
Administrative Procedures
Reinstatement

Related Policies:

BU-PP 400 – Benefit Eligibility Classification
BU-PP 402 – Vacation
BU-PP 403 – Sick Leave
BU-PP 404 – Personal Leave
BU-PP 406 – Non-Compensated Leaves of Absence
BU-PP 410 – Group Insurance-General
BU-PP 411 – Group Life and Dependent Life Insurance
BU-PP 412 – Group Long Term Disability
BU-PP 413 – Group Medical Insurance
BU-PP 414 – Dental Plans
BU-PP 420 – Flexible Benefit Plan

Additional Information:

None

Contact:

Compensation & Benefits Department (x2218)
Human Resource Services Office (x2219)

General Provisions:

To calculate the amount of FMLA leave an employee may request, Baylor reduces the current FMLA leave weeks requested by any previously used weeks in the prior twelve (12) month

period. The term "any twelve (12) month period" in the policy above reflects the prior twelve (12) months.

If the **requesting** employee and his/her spouse are employed at Baylor, they are limited to a combined total of twelve (12) weeks of FMLA leave unless one of the spouses has a serious health condition, in which case each is allowed up to twelve (12) workweeks **of unpaid leave**.

Use of Leave:

Employees who are granted FMLA leave must use any accrued sick, vacation, and personal leave beginning with the effective date of the leave. Upon exhaustion of any such accrued leave, any remaining FMLA leave will be unpaid. The combination of paid and unpaid leave used for FMLA purposes will not exceed twelve (12) workweeks in any 12-month period.

If the employee continues to be disabled beyond the twelve (12) weeks allowed by FMLA, the employee will be allowed to continue on unpaid medical leave up to a maximum of 12 months. Employees do not accrue leave benefits while on unpaid leave. Under some circumstances, employees may take FMLA leave intermittently — which means taking leave in blocks of time of one hour minimally, or by reducing their normal weekly or daily work schedule.

Regular employees on leave for the care of a newborn child, child, spouse or parent, or his/her own serious health condition, must first use available leave benefits. The amount of sick leave allowed will be based on the period of disability per the health care provider's statement. For instance, for the birth of a newborn, the period of disability is usually six (6) weeks for a normal delivery or eight (8) weeks for a caesarean.

Employees on leave for adoption or placement of a foster child must use any available paid leave benefits.

Serious Health Conditions:

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

(1) A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

- Treatment two or more times by or under the supervision of a health care provider; or
- One treatment by a health care provider with a continuing regimen of treatment; or

(2) Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or

(3) A chronic serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or

(4) A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or

(5) Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

Health Care Provider:

Any health care provider recognized by Baylor University.

Request/Documentation:

If the leave is for the care of a newborn child, or for the foster care placement or adoption of a child, the employee must notify his/her supervisor in writing thirty (30) calendar days in advance of the start of leave. If leave is not foreseeable, the employee must provide a written notice as soon as practical. A statement from the employee's health care provider is required for the birth and care of a newborn child. Appropriate court documents are required for the foster care placement or adoption of a child.

If the leave is due to an employee's planned medical treatment or to care for his/her spouse, child or parent with a severe health condition, the employee must notify his/her supervisor in writing at least thirty (30) calendar days in advance of the start of leave or minimally within two (2) working days of learning of the need for leave. A statement from a health care provider is required.

If the leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to provide to his/her supervisor a health care provider's statement that the employee is needed to care for a spouse, child or parent and an estimated amount of time that the employee is needed for such care.

Subject to the limitation and certifications allowed by the FMLA, leaves taken to care for a spouse, child, parent or for the employee's own illness, may be taken on an intermittent or reduced leave schedule when medically necessary. When intermittent leave is needed, the employee must try to schedule time so as not to unduly disrupt the employer's operation.

The health care provider must certify the expected duration and schedule of such leave. The employee may be required to transfer temporarily to an available alternative position for which the employee is qualified but has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

An employee must inform his/her supervisor every thirty (30) days regarding his/her status and intent to return to work upon conclusion of the leave. An employee is required to submit to his/her supervisor a return-to-work certification from the health care provider before returning to work. Where there is reason to doubt the validity of health care provider's statement or certification for leave taken to care for a spouse, child, parent or for the employee's illness, Baylor may, at its own expense, require second and third opinions, as specified by the FMLA to resolve the issue.

It is the responsibility of the employee to initiate a request for a leave under the FMLA. However, with the employee's understanding, the University may designate an FMLA leave.

Department Responses to Requests for Leave:

Supervisors must notify employees of their FMLA obligations within two (2) business days of learning of the need for the leave.

Benefits While on Leave:

While on an unpaid leave, the employee will be responsible for submitting payment on or before the date specified by Compensation & Benefits Office. If an employee does not pay the required contributions, coverage will be canceled. However, the employee will be given fifteen (15) days notice before coverage is cancelled. For those employees who return from FMLA leave, Baylor

may elect to recover any employee share of contributions paid by the University for maintaining coverage(s) for the employee while on FMLA leave.

Employees who elect not to continue participation while on FMLA leave must notify the Compensation & Benefits Office to cancel the coverage. If the employee returns to work in an eligible status, the employee has thirty-one (31) days from that date to reinstate coverage.

An employee on FMLA leave may elect to continue participation in optional medical, dental, and life insurance for the duration of the FMLA leave and the employee will be responsible for paying his/her share of the contribution.

Retirement Plan/Long Term Disability:

Baylor University's Retirement contributions will cease during the FMLA leave when an employee is in a no-pay status. An employee's eligibility for Long Term Disability (LTD) coverage will continue.

Administrative Procedures:

A Personnel Action Request (PAR) Form must be submitted to the Payroll Office when an employee is on paid FMLA leave or using accrued vacation/sick leave. If an employee exhausts all appropriate leave benefits, a new Personnel Action Request Form must be submitted to the Payroll Office changing the employee to family leave without pay.

Reinstatement:

An employee who takes FMLA leave shall be entitled, upon timely return from the leave and completion of all required documentation, to reinstatement to the same or equivalent position, with equivalent benefits, pay and other terms and conditions of employment.