



Policy Title: Paid Caregiver Leave

Policy Number:

Date Issued: January 1, 2020

**Responsible Executive: Vice President
for Human Resources**

Date Last Revised:

Responsible Office: Human Resources

Policy Statement

Baylor University provides Paid Caregiver Leave for all eligible staff employees.

Reason for the Policy

Baylor University recognizes the need to provide paid time off for staff to care for themselves, their spouse, children or parent who has a serious health condition. This policy will also provide paid time off to staff for exigency leave and military caregiver leave.

Individuals/Entities Affected by This Policy

Staff and benefit eligible temporary employees

Exclusions

Faculty members, student employees, and short-term temporary staff

Related Documents and Forms

UNIVERSITY POLICIES AND DOCUMENTS

- 400 [Benefit Eligibility Classifications](#)
- 402 [Vacation Time](#)
- 403 [Sick Leave](#)
- 406 [Non-Compensated Leaves of Absence](#)
- 408 [Family and Medical Leave Act \(FMLA\)](#)
- 409 [Military Leave](#)
- 421 [Paid Parental Leave](#)

APPLICABLE LAW

[Family and Medical Leave Act](#)

FORMS AND TOOLS

[Caregiver Leave Request Form](#)

[Monthly Absence Record](#)

Definitions

These definitions apply to terms as used in this policy.

Staff	Full-time, part-time, and temporary, non-faculty employees.
Serious Health condition	Defined by FMLA as an illness, injury, impairment, or physical or mental condition. See the "Serious Health Condition" section of this policy.
Health Care Provider	Any health care provider recognized by Baylor University.
Exigency Leave	Defined by FMLA as an entitlement to take up to twelve workweeks of unpaid, job-protected leave in a twelve-month period for a qualifying exigency arising out of the fact that the staff employee's spouse, son, daughter, or parent is a covered military member on "covered active duty." See the "Exigency Leave" section of this policy.
Eligible Employee	Staff and benefit eligible temporary employees
Military Caregiver Leave	Defined by FMLA as caring for a service member or veteran with a serious injury or illness, an eligible staff employee may take up to twenty-six work weeks of leave during a single twelve-month period to care for that service member or veteran. See the "Military Caregiver Leave" section of the policy.
FTE (Full-Time Equivalency)	<p>One FTE is equal to an employment position working a required 40 hours per week. (0.75 FTE = 30 hours per week; 0.5 FTE = 20 hours per week).</p> <p>A position FTE percentage is determined by the following formula:</p> $\text{Scheduled Hours Per Week divided by } 40 = \text{FTE}$ $\frac{\text{Scheduled Weekly Hours}}{40} = \text{FTE}$
Next of Kin	The "nearest blood relative" (other than a spouse, parent, son, or daughter)
Bi-Weekly	Employee who is paid every two weeks (non-exempt employees)
Monthly	Employee who is paid at the end of every month (exempt employees)
Timecard	University approved means for reporting non-exempt hours worked and leave hours.
Monthly Absence Record	University approved means for reporting exempt employee's leave hours; submitted monthly to department timekeeper.
Department Timekeeper	Administrative manager (or other assigned employee) who maintains monthly absence records and leave accrual balances for department's exempt employees.
Active/Paid Status	Employee on authorized paid leave from work hours.

Contacts

Subject	Contact	Telephone	Office email/web site
Policy Questions	Human Resources	254-710-2000	askHR@baylor.edu www.baylor.edu/hr

Responsibilities

Eligible Staff Employee	<ul style="list-style-type: none">• Report the need for Caregiver Leave as soon as possible to their supervisor or department head.• Complete Request for Paid Caregiver Leave form.• Provide documentation to verify eligibility for Caregiver Leave. If Eligible Staff Employee has applied for FMLA, the documentation provided for FMLA will be used to verify Caregiver Leave eligibility.
Supervisor or Department Head	<ul style="list-style-type: none">• Upon receipt of the Caregiver Leave Request Form from the staff employee, the supervisor or department head should sign and forward it to Human Resources along with the proper documentation that verifies Caregiver Leave eligibility.
Human Resources	<ul style="list-style-type: none">• Review and confirm that the information provided meets the definitive requirements of a serious health condition, or meets the qualifications for exigency leave or military caregiver leave.• Human Resources will render the approval of Paid Caregiver Leave to Payroll and the employee's supervisor.

Principles

Baylor University provides eligible staff employees Caregiver Leave, paid as regular time worked, to care for themselves, a spouse, a child and parents who experience a serious health condition as defined by FMLA. Eligible staff employees may also use Paid Caregiver Leave for Exigency Leave and Military Caregiver Leave, as defined in [BU-PP 408](#).

SERIOUS HEALTH CONDITION

A "Serious health condition," defined by FMLA, 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 therefor 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 healthcare provider with a continuing regimen or 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, at least twice a year, 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 a 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 consecutive days if not treated (e.g., chemotherapy or radiation treatments for cancer).

If a staff employee's serious health condition is based on more than three consecutive calendar days of incapacity plus two visits to a health care provider:

- The first visit to the provider must occur within seven days of the initial date of incapacity, and
- The second visit to the practitioner must occur within 30 days of the initial day of incapacity.

If the serious health condition is based on more than three consecutive days of incapacity plus a "regimen of continuing treatment", the staff employee must visit a health care provider within seven days of the onset of the incapacity.

If the serious health condition is based on "periodic visits to a health care provider" for a chronic serious health condition, the staff employee must make at least two visits to a health care provider per year.

EXIGENCY LEAVE

Available to qualified staff employees with eligible family members who are on covered active duty (or has been notified of an impending call or order to covered activity duty) in the Armed Forces.

Uses for Exigency Leave

1. Short-notice deployment: Up to seven calendar days of leave to address any issue that arises when a covered service member is called to active duty seven days or fewer before deployment.
2. Military events: To attend any ceremony, event, program, or activity sponsored by the military, a military organization, or the American Red Cross.
3. Childcare and school activities: To attend to various childcare and school activities affected by a covered military member's call to active duty, such as to arrange for alternative childcare, provide emergency childcare, or deal with school or daycare enrollment necessitated by the active duty call, or to attend school meetings necessary due to circumstances arising from the active duty call.
4. Financial and legal arrangements: To address the covered military member's absence.
5. Counseling: For the staff employees, a covered military member, or child, other than by a health care provider necessitated by a call to active duty.

6. Rest and recuperation: With a covered military member who is on temporary, short-term rest and relaxation during a period of deployment. The staff employee may be granted up to five working days.
7. Post-deployment activities: To attend military-sponsored events within 90 days after deployment.
8. Additional activities: Arising from a call to active duty that is agreed upon between the employer and the staff employee.

MILITARY CAREGIVER LEAVE

Defined by FMLA as caring for a service member or veteran with a serious injury or illness, an eligible staff employee may take up to twenty-six work weeks of leave during a single twelve-month period to care for that service member or veteran. See the “Military Caregiver Leave” section of the policy. Leave to care for an injured or ill service member or veteran, when combined with other FMLA-qualifying leave, may not exceed twenty-six weeks in the single twelve-month period during which the twenty-six weeks of Military Caregiver Leave is available. A single twelve-month period for purposes of military caregiver leave begins on the first day that an employee takes military caregiver leave and ends twelve months after that date, regardless of the rolling twelve month period that Baylor University utilizes for determining available leave for other FMLA-qualifying reasons.

- Available to eligible family members of veterans of any branch of the military, provided the prior military service was within five years of the medical treatment that caused the need for caregiver leave.
- “Serious injury or illness” includes the aggravation of an existing or pre-existing injury of an active duty service member in the Armed Forces.
- Allows up to twenty-six weeks of military caregiver and regular FMLA leave to be taken within a designated year.
- Next of kin, with the governing order of priority being that specified in the rule, unless the staff employee has designated another blood relative as next of kin for the purpose of caregiver leave.

COORDINATION WITH FMLA

Eligible Employees of Paid Caregiver Leave do not also need to be eligible for FMLA. If Eligible Employee is eligible for FMLA, the Eligible Employee:

- Must complete and submit FMLA request forms (see [BU-PP 408A](#)).
- Provide FMLA policy to Health Care Provider (see [BU-PP 408](#)).
- Must complete and submit the “FMLA Certification of Health Care Provider Form” (see [BU-PP 408B](#)). At the discretion Baylor University, a second and third medical certification may be required. Baylor University would be responsible for paying for the second and third opinions, including any reasonable travel expenses for the employee or family member.

If an employee is eligible for FMLA, Paid Caregiver Leave will run concurrently with FMLA. Paid Caregiver Leave does not provide the same protection as FMLA, nor does it extend or shorten the FMLA period.

AVAILABILITY

The maximum amount of Paid Caregiver Leave available to an Eligible Employee is based on the Eligible Employee's full-time equivalent (FTE) (see Formula in definitions and below). The amount of Paid Caregiver Leave allotted per request will be determined on the amount approved for that incident. Paid Caregiver Leave is provided on a 12-month rolling period and must be used within the 12 months of the initial request. Any unused Paid Caregiver Leave will not carry forward. An eligible employee may receive Paid Caregiver Leave for multiple incidents during the 12-month rolling period, not to exceed the cumulative maximum amount. The Eligible Employee will need to obtain approval for each incident.

PAID CAREGIVER LEAVE ELIGIBILITY FORMULA

For positions that are scheduled for 40 hours per week, Eligible Employees will be provided with up to four weeks (160 hours) of Paid Caregiver Leave upon employment. For positions that are scheduled for less than 40 hours per week, the maximum allowed Paid Caregiver Leave will be a percentage 40 hours per week maximum allowed amount of 160 hours.

To determine the maximum allowed Paid Caregiver Leave for an FTE, use the following formula:

$$FTE \times 40 \text{ Hour FTE Maximum Balance (160 hours)}$$

Example: For an Eligible Employee with a 0.50 FTE position, the maximum Paid Caregiver Leave provided during the 12-month rolling period will be 80 hours.

$$0.50 \text{ FTE} \times 160 \text{ Hours} = 80 \text{ hours of Paid Caregiver Leave}$$

INTERMITTENT

Eligible Employees may take Caregiver Leave intermittently upon reasonable circumstances regarding their own or an immediate family member's serious health condition or for the serious injury or illness of a service member or veteran. Intermittent Caregiver Leave is also available for circumstances involving a qualifying exigency. Individuals who request Caregiver Leave intermittently must seek to ensure their schedule will not disrupt the department's operations.

Procedures

The need for Paid Caregiver Leave shall be reported as soon as possible to the employee's supervisor or department head.

If Eligible Employee is not eligible for FMLA:

1. Complete and submit the Request for Paid Caregiver Leave form and
2. Submit a completed Physician's Statement to verify eligibility for Paid Caregiver Leave.
3. For Exigency Leave requests, submit a copy of the military orders.

If Eligible Employee is eligible for FMLA:

1. Complete and submit the Request for Paid Caregiver Leave form
2. Complete and submit FMLA request forms
3. Complete and submit the FMLA Certification of Health Care Provider Form

TRACKING PAID CAREGIVER LEAVE

For bi-weekly staff, Paid Caregiver Leave is tracked on the Web Time Card and is maintained by the Payroll Office. For monthly staff, leave is tracked on the [Monthly Absence Record](#) form and is maintained by the employee's department.

PAYMENT

Payment for Paid Caregiver Leave to bi-weekly staff employees is included in the regularly scheduled paycheck provided that the Web Time Card and comments were submitted with the employee's time record and approved in accordance with University policy.

A staff employee who does not meet FMLA standards and has exhausted the allowable Paid Caregiver Leave may submit a formal request for a [Non-Compensated Leave of Absence](#) provided that they have exhausted all other accrued paid time off. An employee who meets FMLA standards may continue unpaid leave after exhaustion of Paid Caregiver Leave and other accrued paid time off.

HOLIDAYS AND OTHER UNIVERSITY CLOSURES

If an official University holiday occurs during the Eligible Employee's Paid Caregiver Leave, the Eligible Employee will receive holiday pay in lieu of Paid Caregiver Leave, provided the Eligible Employee is in pay status the day before and the day after the official University holiday.

SEPARATION FROM SERVICE

Upon separation from service with Baylor University, unused Paid Caregiver Leave has no cash value in the employee's final pay.