

Family Medical Leave Act (FMLA)

Updated: 3/11/2020

Purpose

To provide a process where an eligible employee can request the use of the Family and Medical Leave Act (FMLA).

Policy

In accordance with the Family and Medical Leave Act (FMLA) of 1993. The University provides up to twelve (12) weeks of unpaid family medical leave to eligible employees. FMLA 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 an eligible employee may qualify for up to 26 weeks in a 12-month period.

FMLA can be taken continuously or intermittently during the approved period. All FMLA requests must be made to the Office of Human Resources and employees must follow the appropriate guidelines established for making application. FMLA is not a paid leave of absence, however approved staff must utilize their sick leave first and then if necessary vacation time to be compensated while exercising the leave.

Procedures

If an eligible employee experiences or foresees a qualifying event, the employee must give advance notice to the supervisor of the need to take FMLA with as much notice as possible. Leaves that are approved and considered elective procedures may be asked to reschedule the procedure due to business needs by the department. Those of a serious nature will be approved as requested by the practicing physician.

When an employee has requested FMLA, or the supervisor recognizes the possible need, the supervisor shall provide written notice to the Office of Human Resources within two (2) business days, absent extenuating circumstances. The leave is designated as provisional FMLA status pending eligibility approval from the Office of Human Resources. Supervisors are to notify the Office of Human Resources when an employee goes out on sick leave for an extended period of time (3 days or longer) to determine if FMLA paperwork should be provided. Upon receipt of notification, the Office of Human Resources shall provide the employee a Certification of Health Care Provider form (Form 380) and evaluate the completed form and determine if the leave is approved continuously or intermittently.

Employees with available sick and annual leave are required to utilize all accumulated leave when taking FMLA. Employees without available accrued leave will not be paid while exercising FMLA. These employees will be placed on an unpaid leave status. Employees must utilize all their accumulated leave and may not request an unpaid status while still holding leave balances.

Employees will be required to submit periodic updates regarding their FMLA status as requested by the Office of Human Resources. For those on intermittent leave, a new medical certification must be provided to the Office of Human Resources every six-months. The employee is required to submit a leave request to their immediate supervisor prior to departing on leave for the approved leave period. Employees should work with their department timekeeper to ensure the leave request is appropriately coded for FMLA. The Office of Human Resources provides Family and Medical Leave Act (FMLA) training courses for employees, supervisors and timekeepers.

Applicability

All eligible Faculty and Staff that is not in a position that requires student status as a condition for employment.

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 – defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage, or same sex 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.

Reduced Schedule – reducing the number of hours an employee works per workweek or workday, as deemed medically necessary by their physician.

Responsible Party

Associate Vice President, Office of Human Resources