

Policies of the University of North Texas Health Science Center	Chapter 5 Human Resources
05.607 Family and Medical Leave and Parental Leave	

Policy Statement.

Employees who have been employed by the State for a total of at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the beginning of leave are eligible to be considered for leave under the Federal Family and Medical Leave Act. An eligible employee shall be entitled to a total of twelve (12) weeks of leave during a twelve-month-period beginning the date the employee's first Family and Medical Leave begins for one or more of the following:

- a. Because of the birth of a child of the employee and in order to care for such child.
- b. Because of the placement of a child with the employee for adoption or foster care.
- c. In order to care for the spouse, child, or parent of the employee, if such spouse, child or parent has a serious health condition.
- d. Because of a serious health condition that makes the employee unable to perform the functions of his/her position.

Employees who meet the eligibility criteria for length of employment and number of hours worked described in section one (1) above may be eligible for Family and Medical Leave to provide care for a covered armed forces service member, including a member of the National Guard or Reserves. The son, daughter, parent or next of kin of the service member may be eligible for up to twenty six (26) weeks leave during a single twelve (12) month period to provide care to the service member due to a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces.

Application of Policy.

Faculty and Staff

Definitions.

1. A Serious Health Condition is an illness, injury, impairment, or physical or mental condition that causes the employee to miss more than three days from work and involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Serious illness or injury, in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. A Reduced Leave Schedule means a leave schedule that reduces the usual number of hours per week, or hours per workday, of an employee.
3. A Child means a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is 18 years of age or younger, or 18 years of age or older and incapable of self care because of a mental or physical disability.
4. A Spouse means a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriages.
5. Covered Service member means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
6. Next of kin means the nearest blood relative of that individual.

Procedures and Responsibilities.

1. **Limits of Eligibility:** Eligibility for Family and Medical Leave for the birth of a child or the placement of a child shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Family and Medical Leave may be taken by spouses who both work for the institution to a combined total of twelve (12) weeks during any twelve-month period, if the leave is taken for the birth or placement of a child. Family Medical Leave to a combined total of twenty six (26) weeks during a single twelve (12) month period may be taken by spouses who both work for the institution to provide care to a covered armed forces service member.

Responsible Party: Employee

2. **Notice of Leave:** Employees are required to give thirty (30) days' notice of their intent to take leave for foreseeable events such as childbirth, adoption, or necessary medical treatment. However, if thirty (30) days' notice is not possible, notice must be given as soon as practicable. Notice must be submitted to the departmental official who has the signature authority to approve leave. The department must then forward the notice to Human Resource Services.

Responsible Party: Employee

3. **Medical Certification:** Medical certification regarding the need to take leave and a release to return to work after the leave will be required. If the employee is taking the leave to care for a family member, the certification should include a statement indicating it is necessary for the employee to care for the family member. Medical certification may be required every thirty (30) days during the leave.

- a. The institution has the right to require, at its expense, that the employee obtain the opinion of a second health care provider designated or approved by the institution concerning any information certified under this policy. If the second opinion differs from the opinion in the original certification, a third opinion will be required. It will also be paid for by the institution. The opinion of the third health care provider shall be considered final and shall be binding on the institution and the employee.
- b. The institution is responsible for designating whether the leave is qualified as Family and Medical Leave even if the employee has not specified Family and Medical Leave.

Responsible Party: Employee/Human Resource Services

4. **Leave of Absence:** While on Family and Medical Leave, employees must use all appropriate paid leave before leave without pay can be approved. Sick leave, however, is strictly limited to those situations clearly falling within the definition of sick leave contained in Policy 05.606 of this manual. Employees on FMLA leave who are receiving temporary disability payments are not required to utilize paid vacation leave while on such leave. Employees on FMLA Leave due to a work-related injury are not required to utilize paid vacation or sick leave unless they elect to do so. The period of time covered by paid leave is included in the calculation of the maximum twelve (12) week period.
- a. The calculation of the twelve (12) week period will begin with the first documented absence for the condition.
 - b. Leave for the birth of a child or placement of a child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless agreed to in advance. Leave for the care of a family member or for the serious health condition of the employee may be taken on an intermittent basis.
 - c. Upon returning from Family and Medical Leave, an employee will be restored to the position held when the leave commenced or to an equivalent position with equivalent benefits and salary.

Responsible Party: Employee

5. **Benefits during Leave:** During Family and Medical Leave, the employee's medical coverage will continue under the same conditions as coverage would have been provided if the employee was continuously at work during the leave period. The employer contribution will be paid for the employee. If the employee has medical coverage for dependents, the employer contribution for that coverage will also be paid. The portion of the premiums normally paid by the employee will be the responsibility of the employee. If the employee fails to return to work at the end of the leave, the employee may be required to pay back the employer portion of the medical insurance premiums unless the reason the employee does not return to

work is due to (1) the continuation, recurrence or onset of a serious health condition that would entitle an employee to Family and Medical Leave (either affecting the employee or an immediate family member) or (2) other circumstances beyond the control of the employee.

The employee must continue to make contributions to his/her Health Care Reimbursement Account during unpaid leave. No contributions need to be made to a Dependent Day Care Reimbursement Account.

Responsible Party: Employee

6. **General Provisions:** In all cases, it is the institution's responsibility to designate leave, paid or unpaid, as Family and Medical Leave- qualifying based on information provided by the employee. In no event may the designation be based on information other than that provided by the employee.

Responsible Party: Employee/Human Resource Services

7. **Parental Leave:** Employees who do not qualify for Family and Medical Leave due to length of State service or hours worked are entitled to a Parental Leave of Absence, not to exceed twelve (12) weeks, for the birth of a natural child or the adoption or foster care placement of a child under three years of age. This period begins with the date of birth or the first day the adoptive or foster child is formally placed in the home. Employees granted parental leave are required to utilize all applicable paid vacation and sick leave. It is expressly provided that the use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave contained in Policy 05.606 of this manual.

- a. Parental Leave requires the same notice of leave and medical certification as in Sections 3 and 4 above.
- b. Group health and optional insurance coverage may continue during Parental Leave. The State contribution will continue for any month during the leave in which the employee has paid work or leave time. However, it is the responsibility of the employee to pay the entire (employer and employee) premium for any month in which no pay is received.
- c. The leave period begins with the date of birth or the adoption or foster care placement.

Responsible Party: Employee/Human Resource Services

8. **Family and Medical Leave Versus Parental Leave:** There are several major differences between Family and Medical Leave and Parental Leave.
 - a. Length of service and hours worked: The Family and Medical Leave Act requires a total of at least twelve months of state service and 1,250 hours (24 hours a week) worked during the 12-month period preceding the request for leave. Parental Leave is available for any employee not eligible for FMLA.

- b. Benefits during leave: The State contribution for insurance continues during Family and Medical Leave. The State contribution for insurance during Parental Leave will continue only for months in which there is paid leave or work time.

An employee may not use both family and medical leave and parental leave during one fiscal year

References and Cross-references.

Texas Government Code, § 661
Family and Medical Leave Act of 1993, as amended

Forms and Tools. (optional)

Approved: September 2006

Effective: September 2006

Revised: January 2008