

The University of North Texas at Dallas Policy Manual	Chapter 5.000
5.017.9 Family and Medical Leave	Human Resources

Policy Statement. University of North Texas at Dallas employees with at least 12 months of state service and who have worked at least 1,250 hours during the 12-month period preceding the beginning of leave under this section are entitled to leave under the Family and Medical Leave Act of 1993.

Application of Policy. This policy applies to all employees.

Definitions.

1. **Serious Health Condition.** “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

2. **Continuing treatment.** “Continuing Treatment” means, subject to certain conditions, a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Procedures and Responsibilities.

1. **Leave Requirements.**

- 1.01. An employee must have: (a) a total of at least 12 months of state service (excludes breaks in state service greater than seven years, with the exception of military service); and (b) physically worked 1,250 hours with the state within the 12 months prior to the need for FMLA leave to be eligible for leave under this policy.

- 1.02. The employee must first use all available and applicable paid vacation and sick leave while taking leave under this policy, except that an employee who is receiving temporary disability benefits or workers' compensation benefits is not required to first use applicable paid vacation or sick leave while receiving those benefits.

Responsible Party: Employee

2. **Military Family Leave Entitlements.**

- 2.01. Eligible employees who have a spouse, son, daughter, or parent on active duty or who are called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- 2.02. A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list is may take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

Responsible Party: Employee

3. **Employee Responsibilities:** Employees requesting FMLA leave must:

- i. provide 30 days advance notice of the need to take leave when the need for leave is foreseeable;
- ii. provide sufficient information (usually a certification form) in a timely manner so that the Human Resources Department may review for FMLA eligibility;
- iii. inform the department if the requested leave is for a reason for which FMLA leave was previously taken or certified;
- iv. provide re-certification of condition if requested by department; and
- v. maintain appropriate contact with the department regarding return-to-work status.

Failure to request leave in a timely manner or to provide the information described above may result in delay in approving a request for leave.

Responsible Party: Employee

4. **Supervisor Responsibilities.** Supervisors are an important first step in the FMLA leave process. Specifically, supervisors will need to notify the departmental timekeeper when an employee's absence "triggers" a potential need for FMLA leave. This need could be evident when an employee:
- i. notifies the supervisor of his or her own or spouse's pregnancy, that he or she will be adopting a child, or that he or she will be receiving a child from foster care;
 - ii. misses more than three continuous days of work;
 - iii. misses work due to a chronic health condition;
 - iv. is placed in a hospital or day care facility for any length of time; and/or
 - v. needs to care for a covered member of the armed forces, or is having to be absent from work due to a covered member's being called to active duty.

The triggers listed above will include an employee's missing work to care for a child, spouse, or parent suffering from a serious health condition. The department's leave administrator must be notified immediately if any one of the instances listed above occurs so that the leave can be reviewed for FMLA eligibility. FMLA mandates that the supervisor act in a timely manner after one of the triggers above has become evident. The supervisor should also inform the employee that he or she may be eligible for family medical leave and refer the employee to Human Resources to request family medical leave, if desired.

Responsible Party: Supervisor

5. **Department Timekeeper.** Human Resources will provide FMLA training to departmental timekeepers that are responsible for administering leave. Duties of a department timekeeper include:
- i. ensuring the department's compliance with the FMLA;
 - ii. informing Human Resources when a potential FMLA leave situation arises; and
 - iii. maintaining leave balances when employees are on FMLA.

Responsible Party: Departmental Timekeepers

6. **FMLA Notices.** Each department shall post a notice, where it can be seen by employees and applicants that explains an employee's rights and responsibilities under the FMLA. This notice will also be provided to each employee.

Responsible Party: Department Head

7. **Use of Family Medical Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the University's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Responsible Party: Employee and Human Resources

8. **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. 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:

- i. 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
- ii. other circumstances beyond the control of the employee.

Responsible Party: Employee and Human Resources

9. **Reinstatement.** An eligible employee who takes FMLA leave is entitled to be returned to the same position that the employee held when the leave commenced or to an equivalent position with equivalent benefits, pay and other terms and working conditions of employment. If an employee is able to return to work earlier than anticipated, the employee must give his or her supervisor two work days notice of the return date, when feasible. The University may require certification of the employee's ability to resume work if leave was due to the employee's serious health condition.

Responsible Party: Employee and Human Resources

References and Cross-references.

Family and Medical Leave Act of 1993 as amended

Texas Government Code, Section 661.912

Approved: 8/30/2010

Effective: 8/30/2010

Revised: