



University Staff (non-bargaining unit faculty and employees)

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
FMLA, MATERNITY/PATERNITY, AND MEDICAL LEAVE	November 20, 2009	1710.145

POLICY STATEMENT (R*)

This policy outlines the federally-mandated Family and Medical Leave Act (FMLA); the University Maternity/Paternity Leave; and the University Medical Leave.

An employee who takes leave under this policy, will be able to return to the same position or a position with equivalent status, pay, benefits and other employment conditions.

If the employee has accrued vacation, sick and/or earned compensatory leave, the employee must use paid leave first and take the remainder of the leave period as unpaid leave.

While an employee is on paid leave under this policy, the University will continue to pay the matching portion of the employee’s health and basic State life insurance premiums. While on approved medical leave of absence without pay under this policy, the University will continue to pay up to six months of the State’s contribution for health and basic State life insurance premiums so long as the employee pays his/her portion of the premiums.

FAMILY MEDICAL LEAVE ACT (Applies to all Eligible Employees)

The Family and Medical Leave Act of 1993 (FMLA) grants up to twelve (12) workweeks of leave within a twelve (12) month period for certain family and medical reasons.

Eligibility

To be eligible for FMLA leave, an employee must:

- Have worked for the employer at least twelve (12) months; and
- Have worked at least 1,250 hours during the twelve (12) months prior to the start of the FMLA leave.

Qualifying Events

An eligible employee is entitled to a total of twelve (12) workweeks of unpaid leave in a twelve (12) month period based on one or more of the following reasons:

- The birth of a child and in order to care for that child;
- The placement of a child for adoption or foster care, and to care for the newly placed child;
- To care for a spouse, child, or parent – but not a parent-in-law with a serious health condition;
- The serious health condition of the employee;
- To address a qualifying exigency as defined under FMLA arising out of the fact that a spouse, son, daughter, or parent has been called to covered active duty; and/or
- To care for a covered servicemember with a serious injury or illness. This special leave entitlement for servicemember caregivers grants eligible employees a total of twenty-six (26) workweeks/960 hours of leave in a single twelve (12) month period.

Leave Entitlement

- Leave may be taken on a continuous, intermittent, reduced workday/workweek basis or a combination thereof.
- For the birth or placement of a child, leave entitlement expires at the end of the twelve (12) month period beginning on the date of the birth and/or placement of a child.

- Spouses who are both employed by the University may be limited to a:
 - Combined total of twelve (12) weeks of leave during a twelve (12) month period if the leave is taken to care for the employee's parent with a serious health condition or for the birth or placement of a child; or
 - Combined total of twenty-six (26) weeks of leave during a single twelve (12) month period to care for a covered military servicemember with a serious injury or illness.

Notice and Certification

- Employees are to provide thirty (30) days advance notice, in writing, when the need is foreseeable; otherwise such notice must be given as soon as practicable.
- The University requires employees to provide medical certification to support a medical absence of four or more days and at the completion of the leave, if applicable, present a medical certification stipulating the employee's ability to return to work.

MATERNITY/PATERNITY LEAVE (Excludes Temporary and Student Workers)

The University may grant up to six (6) months leave (twelve (12) weeks under FMLA for eligible employees and twelve (12) weeks under Maternity/Paternity leave) for the qualifying events listed below.

Qualifying Events

- The birth of a child and in order to care for that child;
- The placement of a child for adoption or foster care, and to care for the newly placed child.

Leave Entitlement

- Maternity/Paternity leave may begin no more than two weeks prior to the delivery date but no later than the date the child is born. If leave is not taken by the date the child is born, the employee shall qualify solely for the twelve (12) weeks granted under FMLA, and only if the employee meets eligibility criteria.
- Leave may be taken on a continuous, intermittent, or reduced workweek/workday basis, or combination thereof contingent upon supervisory approval.
- Spouses who are both employed by the University may be limited to a combined total of up to twelve (12) or twenty-four (24) weeks (whichever is applicable) of leave during a twelve (12) month period.

Notice and Certification

- Maternity/Paternity leave of absence requests shall be in writing with at least 30 days advance notice. The request must indicate the period of leave and the anticipated date of return.
- Documentation must be provided by the employee's doctor or spouse's doctor of the expected due date, or official documentation for adoption or foster care.

MEDICAL LEAVE (Excludes Temporary and Student Workers)

Medical Leave applies to an employee who is not eligible for FMLA and who is absent for more than four days due to his/her serious health condition or to care for an immediate family member.

Non-FMLA Eligibility

- The employee has not met the initial FMLA eligibility requirements (i.e., length of service or minimum hours worked);
- The employee has a medical condition that has exhausted the 12 weeks of FMLA entitlement either from a prior leave or from an existing ongoing condition; or
- The medical facts presented do not support eligibility as defined under FMLA.

Notice and Certification

- Employees are to provide thirty (30) days advance notice, in writing, when the need is foreseeable; otherwise such notice must be given as soon as practicable.
- The University requires employees to provide medical certification to support a medical absence of four or more days and at the completion of the leave, if applicable, present a medical certification stipulating the employee's ability to return to work.

REASON FOR POLICY (O*)

To administer the federally-mandated Family and Medical Leave Act (FMLA); the University Maternity/Paternity Leave; and the University Medical Leave in accordance with University guidelines.

RELATED INFORMATION (O*)

United States Department of Labor Employment Standards Administration
<http://www.dol.gov/whd/fmla/>

DEFINITIONS (R*)

FMLA Definitions

“Covered active duty” means (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

“Covered Servicemember” means (a) 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; or (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

“Family” means spouse, parent (not parent-in-law), son or daughter (under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability).

“Next of kin” means nearest blood relative of that individual.

“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.

PROCEDURES (O*)

FMLA, Parental & Medical Leave Procedures

http://hr.fiu.edu/index.php?name=requesting_fmla_parental_medical_leave_procedures

HISTORY (R*)

Effective Date: July 2005; Revision Date: November 20, 2009.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Human Resources
 Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Employee and Labor Relations
 11200 S.W. Eighth Street, PC 236
 Miami, Florida 33199
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For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

*R = Required *O = Optional