



*University Staff/American Federation of State, County
and Municipal Employees AFL-CIO (AFSCME)*

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
FMLA MATERNITY/PATERNITY, AND MEDICAL LEAVE (AFSCME)	June 2, 2017	1725.125

POLICY STATEMENT (R*)

FAMILY MEDICAL LEAVE ACT (FMLA) (Applies to all Employees)

The Family and Medical Leave Act of 1993 (FMLA) entitles employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee’s spouse, child, or parent who has a serious health condition.
- The serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is covered military member on “covered active duty;” or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service members’ spouse, son, daughter, parent, or next of kin (military caregiver leave).

Eligible employees:

- Have worked for the employer at least 12 months; and
- Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave or fall under other specific FMLA regulations related to break in service.

PARENTAL LEAVE (Excludes Temporary and Student Workers)

The University will grant the 12-week period under FMLA to eligible employees for the four reasons stated above and additional leave not to exceed a total of 6 months for the following three reasons:

- The birth of a child and in order to care for that child (parental leave);
- The placement of a child for adoption or foster care, and to care for the newly placed child (parental leave); or
- The serious health condition of the employee (medical leave).

For the parental leave, documentation must be provided by the employee’s doctor or spouse’s doctor of the expected due date or date of placement for adoption, if applicable. Parental leave may begin no more than two weeks prior to the delivery date or date of placement for adoption.

Parental leave of absence requests shall be in writing, when possible, with at least 30 days’ notice. If it is not possible to give 30 days’ notice, the employee must give as much notice as is practicable. The request must indicate the period of leave to be granted and the date the employee will return to work.

MEDICAL LEAVE (Excludes Temporary and Student Workers)

Medical leave applies to an employee who does not meet the initial eligibility requirements for FMLA or who has exhausted their FMLA coverage and who is absent four or more days due to his/her serious health condition or to care for an immediate family

member.

Medical leave of absence requests shall be in writing, when possible, with at least 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. A doctor's note must accompany the request indicating reason and period of absence.

LEAVE ENTITLEMENT FOR FMLA/Parental/Medical

- 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 in the leave is taken to care for the employee's immediate family member 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 service member with a serious injury or illness.

While an employee is on leave, the University will continue paying the matching portion of the employee's health and basis State life insurance premiums in accordance with State Regulations.

If the employee has accrued or earned paid leave, the employee must use paid leave first (compensatory leave, if applicable; sick, and then vacation) and take the remainder of the leave period as unpaid leave. Leave may also be used intermittently or under certain circumstances, the employee may use the leave to reduce the workweek or workday, resulting in a reduced work schedule.

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.

DEFINITIONS (R*)

FMLA Definitions

"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 either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence.

"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 Service Member" 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.

"Immediate 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 other than the current servicemen's spouse, parent, and child.

"Parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law".

"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.

“Rolling twelve (12) month period” means a period measured backward from the date an employee uses any FMLA leave.

“Spouse” means a husband or wife as defined or recognized in the State where the individual was married and includes individuals in a same-sex marriage or common marriage.

REASON FOR POLICY (O*)

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

HISTORY (R*)

Adopted: September 22, 2006; Readopted: November 14, 2008; August 19, 2013; June 2, 2017.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Human Resources
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Benefits Administration
Division of Human Resources
11200 S.W. Eighth Street, PC 224
Miami, Florida 33199
Telephone: (305) 348-2181

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***R = Required *O = Optional**