



Policy and Procedures Manual

Application: Full Time Personnel with 1 year of service

Section A2.6 FMLA

A 2.6 FAMILY AND MEDICAL LEAVE ACT

East Central University is, to the extent required by law, in compliance with the Family and Medical Leave Act (FMLA) of 1993, and the expansion of FMLA under the Support for Injured Service Members Act of 2007. The following procedures and rules are in effect for employees:

To be eligible for FMLA leave, an employee must have worked for ECU for at least 12 months, which do not have to be consecutive, and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. An eligible employee will be granted up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons: 1) for the birth of a son or daughter, and to care for the newborn child; 2) for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child; 3) to care for an immediate family member (spouse, child, or parent - but not a parent "in-law") with a serious health condition; 4) when the employee is unable to work because of a serious health condition; 5) exigent circumstances arising in connection with a covered family member's active duty or call to active duty in the Armed Forces; 6) to care for an injured or ill service member (extended 26 workweeks to care for injured or ill service member). Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Spouses employed by ECU are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 workweeks (extended 26 workweeks to care for a covered service member with a serious injury or illness) during a 12 month period. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

The FMLA permits employees to take leave on an intermittent basis, or to work a reduced schedule under certain circumstances: 1) intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition; or 2) intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child, only with the employer's approval. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must request his/her supervisor to schedule the leave so as not to unduly disrupt operations, subject to the approval of the employee's health care provider. In such cases, ECU may transfer the employee temporarily to an alternative job with the equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Eligible employees seeking to use FMLA leave must provide: 1) a 30-day advance notice of the need to take FMLA leave when the need is foreseeable; or 2) notice as soon as practicable when the need to take FMLA leave is not foreseeable. The employee is not required to use the term "FMLA leave." However, sufficient information must be provided for ECU to understand that the employee needs leave for FMLA-qualifying reasons. In addition, where ECU was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA leave, timely notice (generally within two business days of returning to work) that leave was taken for an FMLA-qualifying reason must be given to the supervisor and also communicated with Employment Services. The employee is required to exhaust accrued paid vacation and/or sick leave for any of the situations covered by FMLA prior to being granted FMLA leave.

The University requires use of accrued paid leave while taking FMLA Leave. While using paid leave concurrently with FMLA leave, employees will exhaust sick leave first and annual leave only after sick leave has been fully exhausted.

ECU may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. In such circumstances, the employee will have at least 15 calendar days to obtain the medical certification.

ECU will maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work. In some circumstances, ECU may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave. FMLA is one form of leave without pay, see sec. 2.5 Leave Without Pay.

Upon return from FMLA leave, the employee will be restored to his/her original job, or to an "equivalent" job, in terms of pay, benefits status, and other employment terms and conditions. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using (but not necessarily during) FMLA leave. The use of FMLA leave will not be a negative factor in employment actions.

For more information about FMLA or to obtain a FMLA request form, contact the Office of Employment Services. Additional information about FMLA can be found on the Department of Labor FMLA Poster.