

PROCEDURES FOR FMLA LEAVE

1. **General.** These FMLA procedures are intended to supplement other University policies and procedures.
 - a. For example, leaves of absence longer than twelve weeks may be available pursuant to other University policies, and whenever an employee is eligible for leave pursuant to the Family and Medical Leave Act, and is also eligible for another type of leave under different University policies, it is the University's intent that the leaves will run concurrently.
 - b. The Family or Medical Leave will run the first twelve weeks of the total leave.
 - c. At the end of the twelve-week period, all rights under the FMLA, including reinstatement rights, will end.
 - d. Any employee who believes that his/her rights under this policy have been violated should report this concern to the Director of Human Resources so that a proper inquiry can be made.
 - i. No employee shall be retaliated against for exercising rights under the FMLA.
2. **Notice.**
 - a. If the need for FMLA leave is foreseeable, an employee requesting FMLA leave should provide both his/her supervisor and the University Staff Benefits Office at least thirty days advance notice.
 - i. Failure to submit the request at least thirty days in advance may result in the leave being delayed.
 - b. If the need for FMLA leave is NOT foreseeable, then the employee must give as much advance notice to his/her supervisor and University Staff Benefits Office as is practicable.
 - c. The notice requirement will be met by either completing the ISU FMLA Request Form available in Staff Benefits, 300 Rankin Hall, or by verbal notification.
3. **Qualifying Reason.**
 - a. When requesting leave or when the University is attempting to determine whether an absence should be designated as FMLA, the employee must provide sufficient information to enable the University to determine whether an absence may qualify for FMLA.
 - b. If the employee seeks leave due to an FMLA-qualified reason for which the University has previously provided FMLA-protected leave, then the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.

4. Attendance.

- a. Employees on FMLA leave are not entitled to accrual of any service credit during the period of unpaid leave, including Faculty tenure service credit.
- b. Authorized absences for family or medical leave will be considered excused absences for purposes of the University's attendance policies.
- c. Employees are required to follow the University's established call-in procedures when they will be absent or late to work until such time as they are on an approved, continuous leave of absence.
 - i. Absent extenuating circumstances, employees who fail to follow the established procedure may be subject to disciplinary action, up to and including termination.

5. Administration.

- a. When an employee is on FMLA leave, he/she must first use all accumulated sick time, then accumulated vacation time, and then will be on unpaid leave.
 - i. For any period of time when the employee is simultaneously on FMLA and receiving paid benefits under ISU policies or under workers compensation, then use of sick and vacation time will be altered to accommodate receipt of such other benefits.
6. **Legitimate Use of FMLA.** Using FMLA leave for any purpose other than its intended purpose will be considered grounds for disciplinary action up to and including discharge.
7. **Confidential File.** All information related to an employee's FMLA leave will be maintained in a separate, confidential file.
8. **Sickness due to Pregnancy.** Sickness related to pregnancy, or any medically-determined inability to work due to pregnancy, is given the same consideration for sick leave with pay as any other sickness or injury.
 - a. Sick leave may be used until the date the employee is released for work by a physician.
 - i. Any additional time off after the work release date will be charged as vacation, if available, or leave without pay.
9. **Expiration of Leave.** Upon expiration of FMLA leave, an employee will generally be returned to the same job that he/she held prior to the leave, or to an equivalent position.

- a. The exception to this general rule is if the position has been eliminated by a reduction in force reorganization or if there are circumstances that would have led to a separation from employment notwithstanding the FMLA leave.

10. **Accrual of Benefits.** Benefits, such as sick leave, vacation, and holidays, will not accrue during unpaid FMLA leave.

11. **Documentation.**

- a. Employees requesting FMLA leave must produce medical or other certification satisfactory to the University in support of the leave request, during leave, or as a condition of return to work at expiration of the leave.
- b. Appropriate certification must be completed prior to the leave, if the leave is foreseeable, or as soon as practicable if the leave is not foreseeable.
 - i. For these purposes, it will be assumed that within fifteen days of the date the employee receives the request for certification will be practicable.
 - ii. Failure to provide timely the required certification may result in the leave being designated as non-FMLA-qualifying, and absences may be counted as unexcused pursuant to the University's attendance policy after an evaluation of the particular facts and circumstances.
- c. The ISU FMLA certification form must be completed and submitted to the Staff Benefits Office.
- d. Employees may be required to provide re-certifications verifying a continuing need for leave at various times by the university.
 - i. If employees fail to timely return the completed re-certifications, then the University may proceed with the understanding that absences in question are not due to a qualifying reason for FMLA leave, and, after an evaluation of the particular facts and circumstances, such absences may be counted as unexcused under the attendance policy.
 - ii. If employees fail to obtain their return to work fitness certification, then their return to work will be delayed.
 - iii. If employees fail to return to work at the conclusion of their leave, or to provide the University with documentation to support an extension of the leave, then, after an evaluation of the particular facts and circumstances, their employment may be terminated.
- e. Employees may be required to submit to a second medical assessment and opinion under certain circumstances, at the University's expense.
 - i. If an employee fails to cooperate with the second opinion process, then the University may proceed with the understanding that the absences in question are

not due to a reason that qualifies for FMLA leave, and the absences may be counted as unexcused under the attendance policy.

- f. Employees may be required to provide periodic reports of their status and intent to return to work.
 - i. The University requires a minimum of two days' notice of an employee's intent to return to work early.
 - ii. If employees find that they do not require the amount of time originally contemplated for the FMLA leave, it is the employee's responsibility to notify Human resources immediately.

12. Intermittent Leaves.

- a. Leave that is necessitated by a serious health condition of an employee or an employee's spouse, child, or parent may generally be taken intermittently rather than continuously.
- b. Similarly, leave due to care for a covered service member or for military exigent leave may be taken intermittently.
- c. Employees who take intermittent leave for planned medical treatment are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations, and are expected to arrange doctor's visits during non-work hours, if possible.
- d. Generally, employees are expected to discuss planned medical treatment appointments with the University prior to scheduling the appointments.
- e. If the need for intermittent leave only requires employees to miss part of their day, then they are expected to work the remainder of the work day, whether before or after the requisite period of intermittent leave.
- f. Under certain circumstances, employees using intermittent leave or reduced leave may be subject to temporary transfer to an alternate position for which the employee is qualified and that better accommodates the leave than the employee's regular position.
 - i. All such moves must receive the approval of the Human Resources Office and the appropriate vice president.
- g. Leave for a birth or following placement of a child for adoption or foster care may NOT be taken intermittently; however, necessary meetings to effect the adoption prior to the placement are covered.

13. Continuation of Benefits During Leave.

- a. An employee on FMLA leave is entitled to continued health benefits.

- i. During paid FMLA leave, health benefit employee contributions will be collected through payroll deductions.
- ii. During unpaid FMLA leave, the employee will be billed for the normal monthly contribution, and shall be made by the employee at the Staff Benefits Office, 300 Rankin Hall.
 - 1. An employee may prepay health coverage contributions when the need for unpaid FMLA leave is foreseen.
 - 2. Failure to pay the required contributions while on leave may result in cancellation of health benefits coverage; however, health benefits will be fully reinstated when the employee returns to work.
- b. If the employee fails to return to work at the conclusion of FMLA leave, and if such failure to return to work is not due to the continuance or recurrence of a serious health condition or due to circumstances beyond the employee's control, then the University may recover from the employee its share of the health care premiums paid on the employee's behalf during the FMLA leave.
- c. The employee is considered as having returned to work after FMLA leave when he/she has been back to work for thirty days.