Employees Rights and Responsibilities
Under the Family and Medical Leave Act

Basic Leave Entitlement
FMLA Requires covered employers to provide up to 12 weeks of unpaid, job-
protected leave to eligible employees for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption
  or foster care.
- To care for the employee’s spouse, son, daughter or parent who has a
  serious health condition; or
- For a serious health condition that makes the employee unable to
  perform the employee’s job.

Military Leave Entitlements
Eligible employees whose spouse, son, daughter, or parent is on covered active
duty or call to covered active duty status 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.

FMLA also includes a special leave entitlement that permits eligible employees to
take up to 26 weeks of leave to care for a covered service member during a single
12-month period. A covered service member is: 1) a current 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 2) a veteran who was discharged or released under conditions other
than dishonorable at any time during the 5-year period prior to the 1st date the
eligible employee takes FMLA leave to care for the covered veteran, and who is
undergoing medical treatment, recuperation, or therapy for a serious injury or
illness.*

*The FMLA definitions of “serious injury or illness” for current servicemembers
and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections
While on FMLA leave, the employer must maintain the employee’s health
coverage under any “group health plan” on the same terms as if the employee had
continued to work. Upon return from FMLA leave, most employees must be
restored to their original or equivalent positions with equivalent pay, benefits and
other employment terms. Use of FMLA leave cannot result in the loss of any
employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for the University for at least 12
cumulative months (employment prior to continuous break in service of 7 years or
more is not counted) and for 1,250 hours (hours worked, not hours in pay status)
over the previous 12 months* and if at least 50 employees are employed by the
employer within 75 miles. *Special hours of service eligibility requirements apply
to airline flight crew employees.

Spouses who both work for the university 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 weeks (or 26 weeks if leave to care for a
covered service member with a serious injury or illness is also used). Leave for
birth and care, or placement for adoption or foster care, must conclude within 12
months of the birth or placement.

Definition of a Serious Health Condition
A serious health condition is 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.

Subject to certain conditions, the continuing treatment requirement may be met
by 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.

Use of Leave
An employee does not need to use the 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 employer’s operations. Leave to due
qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave
Employees may choose or the University may require use of accrued paid leave
while taking FMLA leave where applicable. In order to use paid leave for FMLA
leave, employees must comply with the University’s normal paid leave and
notification policies.

Employer Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave
when the need is foreseeable. When 30 days notice is not possible, the employee
must provide notice as soon as practicable and generally must comply with the
University’s normal call-in procedures, except in unusual circumstances. Failure to
give the required notice may result in denial of leave. Failure to comply with
University call-in procedures may result in discipline.

Employers must provide sufficient information for the University to determine if
the leave may qualify for FMLA protection and the anticipated timing and duration
of the leave. Sufficient information may include that the employee is unable to
perform job functions, the family member is unable to perform daily activities, the
need for hospitalization or continuing treatment by a health care provider, or
circumstances supporting the need for military family leave. Employees also must
inform the University if the requested leave is for a reason for which FMLA leave
was previously taken or certified. Employees are required to provide a
certification and periodic recertification supporting the need for leave.

Employers must follow University required notice procedures for substitution of
paid leave for FMLA leave.

Unlawful Acts by Employers
The FMLA makes it unlawful for any employer to:
- Interfere with, restrain, or deny the exercise of any right provided under the
  FMLA; and
- Discharge or discriminate against any person for opposing any practice made
  unlawful by the FMLA or for involvement in any proceeding under or relating to
  FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring
a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination, or
supersede any State or local law or collective bargaining agreement which
provides greater family or medical leave rights.

FMLA section 109(29 U.S.C. s 2619) requires FMLA-covered employers to post the
text of this notice. Regulation 29 C.F.R. s 825.300(a) may require additional
disclosures.