



# SAINT LOUIS UNIVERSITY FAMILY AND MEDICAL LEAVE ACT POLICY (FMLA)

**Procedure Number:**

**Version Number:** 4

**Classification:**

**Effective Date:** 3/19/2013

**Responsible University Office:** Vice President Human Resources

## 1.0 INTRODUCTION

The federal Family and Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Le.001 of t2[8(410] aic or mt0iaic

treatment or 2 or more time by a health care provider or under the supervision of a health

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 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.

#### **4.4 Serious Injury or Illness**

For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or

For a veteran who was a covered service member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### **4.5**

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per-covered service member, per-injury basis, so that an employee may be eligible to take more than one 26 week period of Military Caregiver Leave, but no more than 26 weeks of leave may be taken during any one 12-month period.

An eligible employee is entitled to a combined total of 26 workweeks of leave for all FMLA qualifying reasons during the single 12-month period described above. For example, if an employee takes 10 weeks of FMLA leave due to his/her own serious health condition, the employee may take only 16 weeks of Military Caregiver Leave during that same 12 month period.

### **5.5 Married Couples**

Eligible employees of Saint Louis University who are husband and wife are eligible for a **combined** total of 12 weeks of leave within the applicable 12-month period when the leave is due to the birth or placement of a child, or to care for a parent who has a serious health condition, or a combined total of 26 weeks within the applicable 12-month period when the leave is due for Military Caregiver Leave. (However, in no event shall the husband and wife take more than a combined total of 12 weeks of leave within the applicable 12-month period for the birth or placement of a child or to care for a parent who has a serious health condition).

## **6.0 RESPONSIBILITIES**

### **6.1 Employee Responsibilities**

If the need to use FMLA leave is foreseeable, the employee must give the University at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent of extraordinary circumstances, call his or her direct supervisor and provide

When an employee requests leave, the University will inform the employee whether he or she is eligible for FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the University will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the University will inform the employee in

During the 12 week maximum leave period, coverage under the group health, dental, and voluntary life insurance plans, if any, will be maintained at the level and under the conditions coverage would have been provided had leave not been taken. Employees will be required to continue to pay their portion of any applicable premiums as if they had not taken leave and failure to do so may result in loss of coverage pursuant to law. If any employee fails to return to work for at least 30 days after expiration of the leave, the employer reserves its right to recover premiums paid, if any, to maintain employee coverage during the leave period under circumstances provided by law.

### **7.3 Medical and other benefits.**

During an approved family medical leave, the University will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the University will deduct the employee's porti



