



XAVIER UNIVERSITY

Family and Medical Leave Act (FMLA)

Effective: April 30, 2008

Last Updated: April 30, 2008

Responsible University Office: Human Resources

Responsible Executive: Associate Vice President for Human Resources

Scope: All University Employees

A. POLICY

It is the policy of Xavier University to provide a leave of absence in accordance with the requirements of the Family and Medical Leave Act of 1993. Employees who have worked at Xavier University for at least 12-months and have been employed for at least 1,250 hours of service during the 12-month period preceding the commencement of the leave are eligible for unpaid leave under the Family Medical Leave Act of 1993 (FMLA). Through FMLA employees are entitled to a maximum of 12 weeks of leave in a 12-month period. Xavier University has elected to utilize a rolling calendar year when determining the effective 12-month period. Employees can request to be excused from work for:

- a. The care of a family member who has a serious health condition;
- b. The employee's own serious health condition;
- c. The birth, adoption, or foster-placement of a child;
- d. When a family member is on or called to active duty when they experience a qualifying exigency; or

- e. To care for a service member that sustained an injury or illness in the line of military duty (under this category employees are entitled to a maximum of 26 weeks of leave when requesting leave).

Xavier University will continue to pay its portion of the employee's medical insurance. The employee is responsible for paying for his/her portion of the applicable insurance(s). Leave because of serious health condition may be taken intermittently or on a reduced leave schedule where medically necessary.

Only one (1) 12-week leave per rolling calendar year, per employee, will be allowed under FMLA.

If both spouses are employees of the University, each is entitled to one twelve-week leave per rolling calendar year.

When determining the amount of FMLA leave taken, a holiday occurring within a week of FMLA leave has no effect. The week is still counted as a week of FMLA leave.

A leave under this policy may be concurrently counted toward both the 12 weeks of FMLA and unpaid leave balances.

Upon return from an approved FMLA leave, the employee will be restored to his/her prior position or an equivalent position.

Classifications of Leaves Under FMLA

- a. New Child
 - 1. Granted for the birth, adoption, or foster care placement of a child;
 - 2. May only be granted within 12 months of birth or placement of a child;
 - 3. Employee must provide 30 days advance notice before the date on which the requested leave would begin. If unable to provide 30 days notice due to unforeseen circumstance, notice must be given as soon as possible.
- b. Family Serious Medical (A serious health condition is defined as an illness, injury, impairment, or physical or mental condition(s) involving either inpatient care or continuing treatment by a health care provider. Leave will be considered for the following reasons):

1. The serious health condition of the employee or their family member;
2. Employee must provide documentation of his/her family member's serious health condition. This must include: date the leave will begin, probable duration, and appropriate facts regarding condition;
3. In the event that the serious medical condition is foreseeable based on planned medical treatment, employees are required to provide advance notice.

C. PROCEDURE

1. The employee must submit a Certification of Health Care Provider Form to the Office of Human Resources. The form can be accessed at <http://www.dol.gov/whd/forms/> . This form must be complete and include all pertinent data. The effective date of the leave of absence is the day following the last day worked. The employee will receive a letter granting approval of their request.
2. The employee must contact the Office of Human Resources to assure proper benefit coverage and make arrangements for employee insurance contribution payments as appropriate.
3. Employees may be required to report periodically on their status and intent to return to work while on FMLA.
4. Upon return from leave for a personal serious health condition, the employee must present a fitness-for-duty certificate from the health care provider, as appropriate. The employee's return to work may be delayed until such certificate is submitted.

Other applicable policies and/or resources:

Holidays
Vacation
Unpaid Leave
Military Leave