



Lehigh University Human Resources Policy

Policy Number:	105
Effective Date:	2/1/1993
Revisions:	1/16/2009
Applicability:	All Staff Members

FAMILY AND MEDICAL LEAVE FOR STAFF POLICY

Purpose:

Policy on benefits available for staff members related to a family medical leave

Policy:

General Provisions

It is the policy of Lehigh University to grant family and medical leave to eligible staff members in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended by the National Defense Authorization Act for Fiscal Year 2008. The leave may be for a maximum of either 12 weeks or 26 weeks and it may be paid, unpaid, or a combination of paid and unpaid, depending upon the staff member's circumstances, federal law, and the requirements of this policy.

Eligibility

In order to qualify to take family and medical leave under this policy, the staff member must meet *both* of the following conditions:

- The staff member must have worked for the University at least 12 months, or 52 weeks. The 12 months (or 52 weeks) need not have been consecutive.
- The staff member must have worked at least 1,000 hours during the 12-month period immediately preceding the date the leave would begin.

Type of Leave Covered

In order to qualify as FMLA leave for up to 12 weeks during any 12-month period under this policy, the staff member must be taking leave for one of the following reasons:

- The birth of the staff member's child and in order to care for that child within 12 months of birth;
- The placement in the staff member's home of a child for adoption or foster care within 12 months of placement;
- The care of the staff member's spouse or domestic partner, child, or own parent who has a serious health condition;
- A serious health condition of the staff member that renders him or her unable to perform the

functions of his or her position; or

- A qualifying exigency arising out of the fact that the employee's spouse or domestic partner, son, daughter, or own parent is on active military duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

In order to qualify as FMLA leave for up to 26 weeks during any 12-month period under this policy, the staff member must be taking leave to care for his/her spouse or domestic partner, child, own parent, or next of kin (i.e., nearest blood relative) who is a covered servicemember. A covered servicemember is 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. A serious injury or illness is one incurred in the line of duty while on active duty and that renders the servicemember unfit to perform the duties of his/her office, grade, rank, or rating.

If a staff member takes paid sick leave or short-term disability (STD) for a condition that progresses into a serious health condition and the staff member requests unpaid leave as provided under this policy, the University will designate the paid leave period as leave under this policy to the extent that the earlier leave meets the necessary qualifications.

The combined total leave available during any 12-month period is 26 weeks. An eligible staff member who works 100 percent of a full-time schedule can take up to either 12 or 26 weeks of leave under this policy during any 12-month period. Staff members employed at less than 100 percent of a full work schedule will have their leave eligibility prorated to reflect their actual work schedule. The University will measure the 12-month period as a rolling 12 months measured from the date the staff member's first FMLA leave begins.

Staff Member Status and Flexible Benefits During Leave

While a staff member is on leave, the University will continue the staff member's medical coverage benefits during the leave period at the same level and under the same conditions as if the staff member continued to be at work.

Under the terms of the Flexible Benefits Plan, the staff member pays a portion of the cost of the medical coverage premium and the full cost of supplemental life insurance, dependent life insurance, and flexible spending accounts. While on paid leave, the University will continue to deduct the staff member's share of the premium. While on unpaid leave, the staff member must continue to make these payments. At the staff member's option, arrangements can be made with Human Resources to prepay the employee contribution or to be billed for the amount due by the Bursar's Office. Payment should be received by the Bursar's Office due date each month.

Basic life insurance and Long Term Disability (LTD) coverage will continue at the same level and under the same conditions as if the staff member continued to be at work.

The University will treat the initiation of an unpaid leave under this policy as a qualifying life event for purposes of suspending or reducing flexible spending account balances or dropping plan coverages.

Other Benefits During Leave

The staff member's entitlement to other benefits during the leave is based on the terms and conditions of those benefits.

In the case of a paid leave or an unpaid leave related to the staff member's own serious health

condition, the staff member will continue to receive all benefits to which he or she would be entitled if not on leave, including the retirement program, tuition benefits, EAP access, vacation accrual, ID card, and parking hang-tag.

If the staff member is on an unpaid leave not related to his or her own serious health condition, retirement program contributions will cease at the end of the month in which the leave begins and will begin again when the staff member returns to work. The contribution for the month in which the employee returns to work will be prorated based on the staff member's actual work schedule during that month. Vacation benefits will not accrue during the period of the unpaid leave.

Staff members will not be paid for holidays that occur during STD or unpaid leaves and those holidays will not affect the 12 or 26-week duration of the leave or, in any way, extend the period of the leave.

Use of Paid and Unpaid Leave

A staff member who is taking leave because of the staff member's own serious health condition may use all paid sick leave and/or STD benefits prior to taking an unpaid leave. Unpaid leave is available for the remaining portion of the 12-week leave period.

A staff member taking leave for the birth of a child that includes a period of disability may use all paid sick leave and/or STD benefits for the period during which the staff member's health care provider determines that she is unable to work. Unpaid leave is available if paid leave is insufficient to cover the period of disability. At the conclusion of the disability period, the staff member will be eligible for unpaid leave for the remainder of the 12 weeks.

Unpaid leaves of up to 12 weeks are available for the adoption or foster care placement of a child in the staff member's home upon placement in the home. They are also available to allow the staff member to care for his or her spouse, child, or own parent with a serious health condition or who has a qualifying exigency. Unpaid leaves of up to 26 weeks are also available to care for qualifying servicemembers.

In all cases, the staff member may choose to use accumulated vacation time in lieu of unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The staff member may take FMLA leave in 12 consecutive weeks, may use the leave intermittently, or under certain circumstances may use the leave to reduce the work week or work day resulting in a reduced hour schedule. In all cases, the FMLA leave will not exceed a total of 12 or 26 weeks over a 12-month period.

If the staff member is taking leave for a serious health condition, because of the serious health condition or qualifying exigency of a family member covered under this policy, or to care for a qualifying servicemember, the staff member should try to reach an agreement with his or her immediate supervisor before taking intermittent leave or working a reduced work schedule. If this is not possible, the staff member must provide medical certification that the use of the leave in this manner is medically necessary.

The University may temporarily transfer a staff member to an available alternate position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced work schedule if such a leave is necessary.

Intermittent or reduced work schedule leave for the birth, adoption, or foster care of a child is available only if the staff member and his or her immediate supervisor mutually agree to the schedule before the staff member begins the leave. All FMLA leave for birth, adoption, or foster care of a child must be

taken within one year of the birth or placement of the child.

Certification of Serious Health Condition

The University will ask for certification of a serious health condition. The staff member should respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a delay or denial of the leave. Medical certification may be provided by using the ["Certification of Health Care Provider Form."](#)

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the staff member's own medical condition, the certification must also include a statement that the staff member is unable to perform the essential functions of the staff member's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the staff member's presence would be necessary or beneficial.

If the staff member plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatments and a statement of medical necessity for taking intermittent leave or working a reduced work schedule.

The University has the right to ask for a second opinion if there is a question concerning the need for, or duration of, the leave, or other information contained in the certification. The University will pay for the staff member to get a certification from a second doctor of the University's choice.

If it is necessary to resolve a conflict between the original certification and the second opinion, the University will require the opinion of the third doctor. The University and the staff member will jointly select the third doctor and the University will pay for the opinion. This third opinion will be considered final.

Procedures for Requesting Leave

Except where leave is not foreseeable, all staff members requesting leave under this policy must submit a ["Family and Medical Leave Request Form"](#) to their immediate supervisor who will forward the request to Human Resources for processing.

Staff members should provide 30 days advance notice of their plans to take leave. If it is not possible to give 30 days notice, the staff member should provide as much notice as practicable. A staff member undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to departmental operations.

If a staff member fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. Where the staff member is unable to provide 30 days notice because of unforeseeable circumstances, the staff member is required to provide notice of the need as soon as it becomes known.

While on leave, employees are to report at least every 30 days regarding the status of the medical condition and their intent to return to work.

Returning to Work After a Leave

If the staff member is on a leave related to the staff member's own serious health condition, permission to return to work must be provided by the staff member's attending medical care provider.

Staff members returning from an approved leave of 12 or 26 weeks or less will be restored to the same or an equivalent position. However, in certain circumstances, it may not be possible to restore the staff member to the same position or an equivalent position if, during the period of the leave, the position was eliminated as a result of the conclusion of a research project or departmental reduction in force.

Keywords: Illness, STD, FMLA