



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

**Procedure Number:**

**Version Number:** 4

**Classification:**

**Effective Date:** 3-4-20

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

## 1.0 INTRODUCTION

The federal Family and Medical Leave Act of 1993 (FMLA) as amended, requires employers

treatment 2 or more times by a health care provider or under the supervision of a health care provider within 30 days of the start of incapacity; or (ii) treatment by a health care provider on at least one (1) occasion within 7 days of the start of the incapacity which results in a regime of continuing treatment under the supervision of a health care provider;

3. Any period of incapacity due to pregnancy, or for prenatal care;
4. Any period of incapacity due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by a health care provider; or
6. Any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment.

#### **4.2 Intermittent and Reduced-Schedule Leave**

Intermittent or reduced schedule leave is leave at varying times for the same qualifying condition. Intermittent leave or reduced schedule leave may be available if the need for leave 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; 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 (including a member of the National Guard or Reserves) and that may render the member medically unfit to perform the duties of his or her position as a member of the Armed Forces (including a member of the National Guard or Reserves) and that may render the member medically unfit to perform the duties of his or her position as a member of the Armed Forces (including a member of the National Guard or Reserves)

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 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 Key Employees

Key employees are those employees who are in the top ten percent of the work force within 75 miles of the place where the employee reports to work. Upon requesting FMLA leave, and employee will be notified by the University of his/her possibility that the University may deny reinstatement after leave.

### 5.0 POLICY

An employee may be eligible for up to 12 weeks of unpaid leave during a rolling forward 12 month period for the following reasons:

1. The birth of a child and to care for such child within one year of birth or placement for adoption or foster care of a child and to care for the newly placed child within one year of placement;
2. To care for an immediate family member (spouse, child under 18 years old or 18 and over that is incapable of self-care, or parent) with a serious health condition;
3. Because of a serious health condition which renders the employee unable to work; or

4. Because of any qualifying exigency arising out of the fact that a spouse, son (of any age), daughter (of any age) or parent, defined as a covered military member, is on active duty (or has been notified of impending call or order to active duty) in the National Guard or Reserves or is a retired member of the Armed Forces or Reserves and has been notified of an impending call or order to active duty in support of a contingency operation.
5. Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the service

### 5.1 Eligibility

To be eligible for FMLA Leave under this Policy, an employee must have worked at SLU for at least 12 months and must have worked at least 1,250 hours during the 12-month period prior to the commencement date of any leave requested under this Policy. Eligibility will be determined as of the date the leave commences. Employees who work at a site at which fewer than 50 employees are employed within a 75-mile radius are not eligible for leave under this policy. When a request for FMLA is made, the University will advise of the employ

### 5.2 Documentation Supporting FMLA Leave:

Your reason for leave must be covered under FMLA and you must provide a completed FMLA Certification of Health Care Provider Form supporting the need for the leave for your own serious health condition or the serious health condition of a family member. A request for reasonable documentation of family relationship verifying the legitimacy of FMLA leave may also be required. You will have up to 15 days to return a completed Certification form following receipt of the form from the University. If you fail to provide timely certification after being required to do so, the University may deny your request for leave under FMLA. If the Certification Form is incomplete or insufficient, you will be given written notification of the information needed and will have 7 days after receiving such written notice to provide the necessary information. If there is reason to doubt the validity of the medical certification, a second opinion, at the expense of the University, may be required. The opinion of the third healthcare provider, which the University and you jointly select, will be the final and binding decision. A request for Active Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the supported by the Certification for Serious Injury or Illness of Covered Service member or Veteran form as well as any necessary supporting documentation.

### 5.3 Recertification

In the following circumstances, the University may, in its sole discretion, require recertification of the qualifying reason for FMLA: 1) where the employee needs more leave than the original

FMLA; or 3) when the need for FMLA extends beyond 6 calendar months. In these situations, the employee will have 15 days in which to provide a completed Recertification form.

## **5.4 Military Family Leave**

**5.4.1. Qualifying Exigency Leave:** Circumstances for Active Duty Leave include the following circumstances:

1. Short-notice deployment: to address issues arising when the notification of a call or order to active duty is 7 days or less;
2. Military events and related activities: to attend official military events or family assistance programs or briefings;
3. Childcare and school activities: for qualifying childcare and school related reasons for a child, legal ward or stepchild or a covered military member;
4. Eqxgtgf "o kktct {"o go dgtu'r ctgpv<Ectg"qh'v'j g"eqxgtgf "o kktct {"o go dgtu'r ctgpv'h'v'j g" parent is incapable of self-care;
5. Financial and legal arrangements: to make or update financial or legal affairs to address the absence of a covered military member;
6. Counseling: to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
7. Rest and recuperation: to spend up to 15 calendar days for each period in which a covered military member is on short-term rest leave during a period of deployment
8. Post-deployment activities: to attend official ceremonies or programs sponsored by the o kktct {"hqt"wr "v"; 2'fc{u'chtg"ceqxgtgf "o kktct {"o go dgtu'cevkg'f wv'vgtu kpcvgtu'qt"v" address issues arising from the death of a covered military member while on active duty.

**5.4.2. Military Caregiver Leave:** An employee also may be eligible for Military Caregiver Leave to care for a spouse, son (of any age), daughter (of any age), parent or next of kin who is: 1) a current member of the armed forces, including the National Guard or Reserves, and 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, which is incurred in the line of duty (or for a pre-existing injury or illness which is aggravated in the line of duty) and that renders the service member medically unfit to perform the duties of his or her office,



Employees requesting intermittent or reduced leave should consult with their supervisor to schedule medical care at a time that does not unduly disrupt the operations of the department. The employee must follow the call-in procedure when using intermittent leave and must report that they are taking certified FMLA leave when calling in to their supervisor and FMLASource. Employees will be required to provide certification and periodic recertification supporting the need for FMLA leave.

## 6.2 Employer Responsibilities

When an employee requests leave, the University, through its vendor partner FMLASource, 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, through its vendor partner, FMLASource, will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the University (through its vendor partner) will inform the employee in writing and provide information on the amount of leave that will be eqwpvgf "ci clpuv'j g"go r m{ ggai"34- or 26-week entitlement.

Certain states require employers to provide greater or different job-protected leave than that provided under the federal FMLA law and to family members of persons in the military. When applicable, the University complies with all such state and military family leave laws. When leave provided under one of these laws is covered by the federal FMLA, it also shall count vqy ctf "j g"go r m{ ggai'hgf gtcl'HO NC "gpv'argo gpv'cpf "cu'HO NC 'Ngcxg'w'pf gt "j ku'Rqrke { 0"Vj gug" family and military family leave laws vary by state, and the employee should contact their Supervisor if the employee has questions about them.

## 7.0 PROCEDURES

### 7.1 Request for Leave

All leave requests should be submitted to vj g'Wpkxgtuk{ au'xgpf qt'r ct'vpgt.'HO NC Uqwtg." [www.fmlasource.com](http://www.fmlasource.com) or call **877.GO2.FMLA (462.3652)**. When submitting a request for leave, the employee must provide sufficient information to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave.

If the leave is foreseeable (e.g., birth or placement, planned medical care, etc.), the employee must provide Saint Louis University with at least 30-days advance notice of the need for leave. If the circumstances prevent the employee from providing the 30- days advance notice, then the employee should provide as much notice as possible (ordinarily the same or next business day). In the case of active duty leave an employee is not required to provide more than 30 days advance notice. If an employee fails to give the required notice for foreseeable leave with no reasonable excuse, the employee au'ngcxg"b c{ "dg"f gr{ gf until the employee provides adequate notice of need for the leave. Employees should make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the department.

### 7.2 Pay, Benefits, and Protections

Employees must concurrently exhaust any workersø compensation benefits, accrued sick time, accrued vacation time, or banked holiday time, or any other form of applicable paid leave for FMLA leave. All substituted paid leave that is being concurrently exhausted will be counted





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