

Family Medical Leave Act (FMLA) Policy

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SECTION I. PURPOSE

This policy clarifies employees' ability to take leaves of absence in accordance with the federal Family Medical Leave Act (FMLA).

SECTION II. SCOPE AND APPLICABILITY

This policy applies to all employees who have been employed with the University of St. Thomas for at least 12 months and have at least 1,250 hours of service during the preceding 12-month period before taking the leave.

For employees not eligible for FMLA leave, the University will review business considerations, other leave options, and the individual circumstances involved to determine whether a non-FMLA leave may be available.

SECTION III. FMLA LEAVE

FMLA leave is unpaid, job-protected leave for specified family and medical reasons. See [this poster](#) for additional information.

All eligible employees who have a qualifying reason for leave may be granted FMLA leave. While FMLA leave is unpaid, it may run concurrently with paid leave benefits for which an employee is eligible and other available unpaid leave options.

A. Qualifying Reasons for FMLA Leave

An eligible employee may take up to 12 weeks of FMLA leave in a 12-month rolling period for the qualifying reasons described below. Employees may be permitted to take leave intermittently or on a reduced schedule.

Listed below are the qualifying reasons for taking unpaid FMLA leave and the options available to the employee for receiving pay for all or a portion of the FMLA leave:

- a serious health condition that renders the employee incapable of performing the functions of their job. This type of leave may also qualify for short-term disability (STD) benefits. If you are eligible for the STD plan and your STD claim is approved, your STD leave will run concurrently with your FMLA leave. You will be required to use available sick and safe time (SST) (if salaried staff or full-time faculty), and/or vacation time (if salaried staff) or paid leave time (PLT) (if a regular hourly employee) during the first week of STD leave (the STD benefit waiting period). You cannot use available SST in conjunction with STD leave beyond the first week of approved STD leave.

- the birth of the employee’s child and care of a newborn or newly adopted child. If you are eligible for parental leave, you may use available parental leave concurrently with FMLA leave. In addition, short-term disability leave benefits may be available to a parent who is recovering from child birth, and employees may use available PLT or vacation concurrently with FMLA leave.
- the placement of a child with the employee for adoption or foster care. If you are eligible for parental leave, you may use available parental leave concurrently with FMLA leave. In addition, you may use available PLT or vacation concurrently with FMLA leave.
- to care for a member of the employee’s immediate family, who suffers from a serious health condition (examples include spouse, child, parent or sibling). You may use available sick and safe time, vacation, or paid leave time (PLT) concurrently with FMLA. If you are eligible for paid family emergency leave, you may use available family emergency leave concurrently with FMLA leave.
- any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. National Guard or Reserves in support of a contingency operation. Available paid leave options will be determined on a case-by-case basis depending on the reason for leave and may include family emergency leave, PLT, vacation or sick and safe time leave; available paid leave options will run concurrently with FMLA leave.

The access to FMLA leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

B. Qualifying Reason for Military Caregiver FMLA Leave

Under the FMLA, employees may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the service member (Military Caregiver Leave). Available paid leave options will be determined on a case-by-case basis depending on the need for leave and may include sick and safe time, vacation, PLT, and/or family emergency leave; available paid leave options will run concurrently with FMLA leave. Employees may be permitted to take Military Caregiver leave intermittently or on a reduced schedule.

C. FMLA Leave Year

In determining whether an employee has FMLA leave available, the University generally uses a “rolling” 12-month period, which measures backward from the date an employee uses any approved FMLA leave. Available leave is determined by subtracting the number of weeks of FMLA leave taken during this 12-month “look back” period from the 12-week total allowed.

If an employee requests Military Caregiver leave, the single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by St. Thomas for other FMLA leave reasons.

D. Procedure for Requesting Leave

FMLA and short-term disability benefits are administered through The Hartford, which specializes in reviewing, approving, processing and tracking short-term disability and FMLA leave requests with the oversight of expert medical and legal staff.

To request FMLA leave, file a claim over the phone or online with The Hartford:

- Phone: 1-888-301-5615

- Online: abilityadvantage.thehartford.com (St. Thomas Policy #: 697448)

E. Benefits Coverage During Leave

During a period of FMLA leave, an employee will continue to be eligible for the University's medical plan under the same conditions that applied before leave commenced. To continue medical coverage, the employee must continue to make any contributions they made to the plan before taking leave. The same holds true for other University benefits programs. Special rules apply to those who become disabled under the University's long-term disability plan for more than one year from the date of disability.

F. Restoration of Employment Following Leave

An employee eligible for family and medical leave—with the exception of those employees designated as “highly compensated employees”—will be restored to their previously held position or to a position of equivalent pay, benefits, and other terms and conditions of employment. Prior to returning to work, if the leave was due to the employee's own serious health condition, the employee must submit a “Fitness for Duty” form to the Benefits Office. The University cannot guarantee that an employee will be returned to their original job. A determination as to whether a position is an “equivalent position” will be made by the University.

G. Paid Leave Options

FMLA leave is unpaid, but it may run concurrently with available paid leave options. If leave is requested, the employee must use all of their available paid leave options to receive pay for all or a portion of the otherwise unpaid FMLA leave. The type of paid leave that can run concurrently with FMLA will depend on the reason for the FMLA leave. Available paid leave options are reviewed on a case by case basis.

For questions regarding FMLA Leave, contact the [Benefits Office](#) at benefits@stthomas.edu or 651-962-6520.