

Family Medical Leave Policy

POLICY STATEMENT

This policy defines employees' rights and responsibilities during Family Medical Leave (FMLA/CFRA) at Chapman University.

REASON FOR THE POLICY

Family Medical Leave is mandated by the federal Family Medical Leave Act and California Family Rights Act. The purpose of Family Medical Leave is to provide eligible employees the opportunity to take time off from work for certain kinds of child or family care or to recover from a serious illness, subject to the conditions described below. Family Medical Leave offers job protection, rather than income replacement.

POLICY

General Information

Employees who are eligible for Family Medical Leave may take up to 12 weeks of Family Medical Leave in a 12 month period subject to the conditions described below. The 12-month period is measured forward from the date any employee's first Family Medical Leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. There is no carryover of unused leave from one 12-month period to the next 12-month period.

An employee who is on a disability leave as described in [the Disability Leave Policy](#) will also be placed on a Family Medical Leave, if eligible, during the period of disability leave. In this event, the benefits and specified time periods for disability and Family Medical Leaves will run concurrently, and the leave category which provides the greater benefits for the longer period of time will prevail. When an employee is placed on Family Medical Leave, Human Resources will inform the employee of her/his status and eligibility for Family Medical Leave.

Eligibility

An employee must meet all of the following criteria in order to be eligible for Family Medical Leave:

- Must have worked for the University for a total of at least 12 months during any period of time as of the date that the leave begins;
- Must have worked at least 1,250 hours during the 12 months which immediately precede the date that the leave begins; and

Part-time employees are eligible for leave if they meet these eligibility criteria. Leave benefits for part-time employees are calculated on a proportional basis.

Qualifying Family Leaves

An eligible employee is granted Family Medical Leave for:

- The birth or adoption of a child -- to care for or bond with a child, to provide for the placement of a child through private or state adoption, to provide foster care or to function as a legal ward. ([Pregnancy Disability and Parental Leaves Policy](#)).
- A serious health condition -- to care for the employee's spouse, domestic partner, child, parent, sibling, grandparent, or grandchild with a serious health condition, or because of a serious health condition that renders the employee unable to perform his/her job functions. ([Disability Leave Policy](#)).
- Incapacity due to pregnancy or prenatal medical care (i.e. pregnancy disability). ([Pregnancy Disability and Parental Leaves Policy](#)).
- Qualifying exigency leave if the employee's spouse, domestic partner, child, or parent is a member of the National Guard or Reserves or of a regular component of the Armed Forces when on covered active duty or called to covered active duty.
- To care for a seriously injured or ill spouse, domestic partner, child, parent, or next of kin who is a covered service member or veteran.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves either:

- in-patient care in a hospital, hospice, or residential health care facility; or
- continuing treatment or supervision by a health care provider.

Procedures

When an employee is absent from work more than five (5) days for the same qualifying reason, the employee (or in the employee's absence, the department head) should contact Human Resources to discuss any potential need for a leave.

Employees must contact their department or unit as early as possible on the first day, and each day absent thereafter, unless a formal leave of absence has been granted.

The employee must, whenever possible, provide at least 30 days' advance notice to the employee's supervisor and the Human Resources Department, prior to the date that the Family Medical Leave is to begin. If this is not practicable, the employee must provide notice as soon as practicable after the employee becomes aware of the need for Family Medical Leave. Within five (5) business days following receipt of such notice, absent extenuating circumstances, the employee will be apprised regarding the employee's eligibility to take Family Medical Leave.

If eligible for Family Medical Leave, the employee must consult with his/her supervisor regarding the scheduling of any planned medical treatment in order to minimize disruption to the operations of the University.

The employee must provide certification as explained below within 15 days of the employee's request for Family Medical Leave, unless it is not practicable for the employee to do so. The University may require recertification from the health care provider if additional leave is required. In addition, the University may require the employee to obtain second and third medical opinions at any time during the leave. If the leave is needed to care for a sick child, spouse, domestic partner, parent, sibling, grandparent, or grandchild, the employee must provide a certification from the health care provider which states:

- date of commencement of the serious health condition;
- probable duration of the condition;
- estimated amount of time the health care provider will provide care; and
- confirmation that the serious health condition requires the participation of the employee.

If the leave is requested for the employee's own serious health condition, the employee must provide a certification from the health care provider which states:

- date of commencement of the serious health condition;
- probable duration of the condition; and
- a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees may take Family Medical Leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for their own serious health condition or the serious health condition of the employee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is one hour.

Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the University's operations.

The University may also temporarily transfer employees on an intermittent or reduced-scheduled leave to an alternate position with equivalent pay rate and benefits, including a part-time position, which better accommodates a recurring leave.

Employee Status

Employees will retain their employee status during the period of a family and medical leave. Moreover, their absence will not be considered a break in service for purposes of determining their term of service. Once an employee returns from a leave, the employee will be credited with all time of service accrued before the leave of absence commenced.

Tenure-Track Faculty Members may request an extension of their probationary periods in accordance with the Faculty Manual.

Pay During Leave

Family Medical Leave is an unpaid leave. An employee will be required to use accrued sick time during a Family Medical Leave that pertains to the employee's own injury or illness. An employee will be allowed to use accrued vacation or personal time during a Family Medical Leave to receive pay for such time accrued. Faculty may consult with the Office of Faculty Affairs for more information on pay options.

Employees who continue to receive pay during leave will continue to have normal payroll deductions for health insurance coverage. During unpaid Family Medical Leave, employees are responsible for their portion of the cost of benefits. Human Resources will provide employees with information on the cost to continue benefits.

Participation in any non-elective health and welfare plans, such as group life insurance and long-term disability insurance, will continue during the entire period of the approved leave of absence.

Reinstatement Following Leave

Employees returning from Family Medical Leave will be restored to the original or an equivalent position with the same pay, benefits, and other terms of employment. However, employees can be refused reinstatement for reasons unrelated to the leave, such as misconduct, an organization layoff due to lack of work, or circumstances involving key employees.

Employees wanting to return to work from a serious health condition leave must submit an acceptable release to work form from the employee's healthcare provider that certifies the employee can perform the essential functions of the job as it relates to the employee's serious health condition.

Family Military Leave

Employees may take up to 26 workweeks of unpaid, job-protected leave in a 12-month period to care for an injured or seriously ill servicemember or veteran ("military caregiver leave") or 12 workweeks of Family Medical leave to cope with certain difficulties and challenges arising out of the foreign deployment of the employee's spouse, domestic partner, son, daughter, or parent ("exigency leave").

To be eligible for **military caregiver leave**, the employee must be the spouse, son, daughter, parent or next of kin of a covered servicemember. A "covered servicemember" is one who is (1) undergoing medical treatment, recuperation, or therapy, (2) in outpatient status, or (3) on the temporary disability retired list for a serious injury or illness. A covered servicemember may also include veterans who served within 5 years and are undergoing medical treatment, recuperating from a qualifying serious injury or illness, or have pre-existing injuries aggravated during active duty service.

Military Exigency leave may arise when an employee's spouse, domestic partner, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) is on covered active duty or has been notified of an impending call or order to covered active duty. If an employee's military relative is on covered active duty, the employee may be eligible to take Family Medical Leave for the following types of qualifying exigencies: (1) up to 7 days to address issues with the military member's short-notice deployment; (2) to make financial and legal arrangements arising from the military member's covered active duty; (3) to attend counseling for the employee, the military member, or the child of the military member; (4) to attend military events and related activities; (5) to spend time with a military member who is on Rest and Recuperation leave; (6) to address childcare activities concerning the military member's child; (7) to attend post- deployment activities for up to 90 days following the termination of the military member's active duty; and (8) to address activities relating to the care of the military member's parent.

For more information, visit the [U.S. Department of Labor's guide for employees on military family leave](#).

For additional information about eligibility for Family Medical Leave, contact Human Resources.

OFFICE RESPONSIBLE FOR THE POLICY

Human Resources

Contact: Tim Frenchcampbell, frenchca@chapman.edu, 714-997-6979

WEBSITE ADDRESS FOR THIS POLICY

<https://www.chapman.edu/faculty-staff/human-resources/files/policies/family-medical-leave-policy.pdf>

WHO APPROVED THIS POLICY

Senior Staff

Date Approved: 9/8/2020

(signed) _____

President

PUBLICATION DATES:

Effective: 11/1/2020

RELATED MATERIALS:

<https://www.chapman.edu/faculty-staff/human-resources/files/policies/disability-leave-policy.pdf>

<https://www.chapman.edu/faculty-staff/human-resources/files/policies/pregnancy-disability-parental-leave-policy.pdf>