



Family and Medical Leave Act

Effective Date	May 31, 2023
Policy Jurisdiction	University Wide
Responsible Executive	Vice President for Finance & CFO
Responsible Office	Office of Human Resources

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Purpose

The University is committed to compliance with the Family and Medical Leave Act of 1993 (FMLA). The purpose of this policy is to outline employee rights and obligations under the FMLA.

Scope

This policy applies to University employees, subject to applicability and eligibility set forth in detail below.

Definitions

- **Employee:** A person employed for wages or salary with the University, where the University has the power or right to control and direct them in the material details of how the work is to be

performed.

Policy

Stetson University is concerned about the welfare of all employees and their dependents and acknowledges that employees may, upon occasion, need to request leaves of absence for a variety of medical or family reasons. The Family Medical and Leave Act of 1993 (FMLA) requires covered employers to provide eligible employees with up to 12 workweeks of unpaid, job-protected leave for certain family and medical leaves.

A. Eligibility

Employees are eligible if they have worked for the University for at least one year and must have worked a minimum of 1,250 hours during the 12 months immediately prior to the start of any FMLA leave.

B. Reasons for Leave

Eligible employees may be granted up to 12 workweeks of unpaid leave in a 12-month period for one or more of the following reasons:

1. The birth of a child or the care of a newborn;
2. The placement of a child with the employee for adoption or formal foster care or to care for the newly placed child (Note: Leave must be completed within 12 months of birth, adoption, or foster placement.);
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
4. The employee's own serious health condition.

Spouses who are both employees of the University may be limited to a combined total of 12 workweeks leave for certain types of leave.

C. Active Military FMLA/Reasons for Leave:

1. Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
2. Service member Family Leave: an eligible employee who is the spouse, sons, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

Combined leave total: During the single 12-month period described in Service Member Family Leave, an Eligible employee shall be entitled to a combined total of 26 workweeks of leave.

D. Coordination of FMLA and Paid Leaves

Employees are required to use any accrued sick and vacation leave benefits concurrently during any FMLA leave period. FMLA leave may also run concurrently with short-term disability or long-term disability, dependent upon individual circumstances. A University paid holiday occurring during an FMLA leave period has no effect on FMLA time used.

E. Leave Year Calculation Method

In calculating the amount of FMLA leave available for eligible employees, the University has adopted the "rolling/look back" method. When the need for leave is communicated to the Office of Human Resources, the university will look backward from the date the employee will begin the FMLA leave for a 12-month period. Any FMLA leave used in this 12-month period will reduce the available balance for the current FMLA leave request.

F. Intermittent/Reduced Schedule Leaves

The FMLA permits employees to take eligible FMLA leave on an intermittent basis or reduced work schedule under certain circumstances. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisors to schedule the leave so as not to unduly disrupt business operations, subject to the approval of the employee's health care provider. In such cases, the University may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates recurring period of leave better than the employee's regular job. For assistance in coordinating intermittent/reduced schedule leaves or temporary transfers, please contact the Office of Human Resources.

G. Notice Requirements

Employees are required to provide advance notice and medical notification to the Office of Human Resources 30 days prior to any FMLA period when the leave is "foreseeable" (e.g., non-emergency surgery, etc.). The University understands that emergency situations arise. In such instances, the employee or designated representative of the employee is required to notify the University as soon as possible of the need for FMLA leave, generally within one or two business days. The University may require a second or third opinion at the University's expense. Taking leave may be denied if requirements are not met.

Stetson University requires that the need for FMLA leave for a serious health condition of an employee or an employee's immediate family member be supported by a medical certification. Employees will have fifteen days to comply with this requirement.

A fitness for duty "return to work certification" is required to return to work.

H. Benefits and Job Protection

Stetson University will maintain an employee's health insurance coverage under any group health plan for the duration of any FMLA leave on the same terms as if the employee continued to work. In FMLA leave situations where an employee is in an unpaid status, an employee must make arrangements to pay their normal portion of the insurance premiums while on unpaid FMLA leave. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Upon return from FMLA leave, an employee must be restored to their original job or to an equivalent job on the same terms of pay, benefits and other employment terms and conditions. Under limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly paid, salaried "key" employees. In order to do so, the University must notify the employee in writing of their status as a "key" employee, the reasons for denying job restoration and provide the employee a reasonable opportunity to return to work after so notifying the employee.

I. Intent Not to Return to Work

When an employee notifies the University of an intent not to return to work at the end of an FMLA leave period, or if the employee fails to return to work when the FMLA leave is exhausted, the University will notify the employee of their COBRA rights with regard to their benefits and proceed to cancel group benefits. The employee may be required to repay any arrangement of the employee portion of benefit premiums to the University.

Additional Information and Contacts: For specific details concerning Stetson University's FMLA policies or procedures, please contact the Office of Human Resources.

Procedures

N/A

Frequency of Review

This policy shall be reviewed every three years.

Related Information

N/A

Policy History

Date of Revision	May 31, 2023
Action and Notes	Transition to Policy Tech
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