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Responsible University Office:
Office of Equity and Compliance

Responsible University Administrator:
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Family and Medical Leave

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Scope

This policy applies to all offices of the University of Nebraska at Kearney.

The purpose of this policy is to ensure compliance with the Federal Family and Medical Leave Act of 1993 (FMLA).

Policy Statement

Eligible employees are provided up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. All regular Academic/ Administrative, Managerial/ Professional and Office/Service employees with an FTE of .50 or greater are eligible, as are all other employees (including temporary and graduate student employees) who have worked for the University for at least one year, and for 1,250 hours over the previous 12 months.

Reasons for taking Leave. Unpaid leave will be granted for any of the following reasons:

- To address maternal/paternal concerns related to the birth of a child or the placement of a child with the employee for adoption or foster care;

- To care for the employee's spouse, son, or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employees unable to perform the employee's job, or in association with a death in the immediate family.

In an expansion of the Family and Medical Leave ACT (FMLA) signed into law on January 28, 2008, unpaid leave will also be granted for the following reasons:

- Twelve (12) weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of a “qualifying exigency” arising out of the service member’s current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.
- Twenty Six (26) weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member’s office, grade, rank or rating.

As may be required or approved by the University, certain kinds of paid leave may be substituted for unpaid leave, if such paid leave would otherwise be granted based on the reason for the absence. Absences of five or more sick days will be charged against the employee's Family/Medical Leave balance.

Advance Notice and Medical Certification. The employee may be required to provide advance leave notice and medical or military certification to the Office of Equity and Compliance. Leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable".
- The University may require medical certification to support a request for leave because of a serious health condition, and may require other medical opinions (at the University's expense). A fitness for duty report from the medical provider is required before an employee may return to work.
- The University may require certification by the employee that the covered service member is indeed on active duty.

Job Benefits and Protection

- For the duration of approved Family/Medical Leave, the University will maintain the employee's health coverage under any University sponsored "group health plan".
- Upon return from Family/Medical Leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.
- The use of approved Family/Medical Leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers FMLA makes it unlawful for any employer

to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Reason for Policy

Compliance with the Federal Family and Medical Leave Act of 1993 (FMLA).

Procedures

Link to FMLA Procedures

Additional Contacts

<i>Subject</i>	<i>Contact</i>	<i>Phone</i>	<i>Email</i>
Compliance Manager	Kate DeBord	308 865 8404	debordk15@unk.edu
Chief Compliance Officer	Alex Straatmann	308 865 8400	straatmanna2@unk.edu

Forms

Please contact the Office of Equity and Compliance for the necessary forms.

Related Information

Sick Leave

(<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/employee-policy-manual.pdf>)

Parental Leave

(<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/employee-policy-manual.pdf>)

Adoption Leave

(<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/employee-policy-manual.pdf>)

History

This policy replaces current policy located at Business and Finance Policy and Procedures