 NORTHEAST OHIO MEDICAL UNIVERSITY	Policy No: 3349-7-60 (HRG)
POLICY TITLE: Family and Medical Leave	EFFECTIVE DATE: September 10, 2010 REVISED AND UPDATED: January 1, 2025
RESPONSIBLE DEPARTMENT: Human Resources	General Personnel

(A) PURPOSE


The University promotes a work environment that supports its employees in balancing the demands of the workplace with the needs of their families. In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible employees are permitted up to twelve (12) (or twenty-six (26) in specific circumstances) work weeks of unpaid leave during a defined twelve (12)-month period for qualified leave entitlements.

(B) SCOPE

This Policy applies to all eligible University employees.

(C) DEFINITIONS

- (1) Consult University Policy No. 3349-7-01.
- (2) “Child” refers to a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person who is standing in *loco parentis*, who is:
 - (a) Under eighteen (18) years of age; or
 - (b) Eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
- (3) “Eligible Employees” refers to any Employee who has been employed by the University for at least twelve (12) months, and who has worked at least one-thousand two hundred fifty (1,250) hours during the twelve (12)-month period prior to the start of the leave.
- (4) “Health Care Providers” refers to doctors of medicine and osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, and nurse midwives, clinical social workers, licensed professional clinical counselor and physician assistants in so far as they perform within the


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scope of their practice under state law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

- (5) “Intermittent Leave” is leave taken in separate blocks of time or by reducing the normal weekly or daily work schedule. Intermittent leave must be taken in no less than one (1) hour increments.
- (6) “Next of Kin” is the nearest blood relative of the covered service member other than the service member’s spouse, parent, son or daughter.
- (7) “Parent” refers to a biological, adoptive, step or foster parent of an Employee or an individual who stood in *loco parentis* to an Employee when the Employee was a child. This term does not include parents “in-law”
- (8) “Serious Health Condition” refers to an illness, injury, impairment, or physical or mental condition that involves:
 - (a) Any period of incapacity or treatment connected with inpatient care (or overnight stay) in a hospital, hospice, or residential medical care facility; or
 - (b) Continuing treatment by a health care provider.
- (9) “Spouse” refers to individuals who are recognized as lawfully married under the law of any state, or who have an Affidavit of Domestic Partnership on file in Human Resources.

(D) POLICY STATEMENT


- (1) Leave Entitlements

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- (a) An Employee is entitled to a maximum of twelve (12) unpaid work weeks of leave in any twelve (12)-month covered period for one or more of the following reasons:
 - (i) To care for a child during the first year following birth, adoption, or foster care placement;
 - (ii) To care for a spouse, child or the Employee’s parent who has a serious health condition;
 - (iii) Because of a serious health condition that makes the Employee unable to perform the functions of the position of such Employee; or
 - (iv) An Employee’s spouse, child, or parent is on active military duty or has been notified of an impending call to active duty status, in support of a contingency operation.

- (b) An Employee is entitled to a maximum of twenty-six (26) unpaid work weeks of leave in any twelve (12)-month covered period for the following reason:
 - (i) To care for a spouse, child, parent, or next of kin service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

- (c) Employees who are spouses are jointly entitled to:
 - (i) A combined total of twelve (12) weeks of FMLA leave for the birth, or placement of a child for adoption or foster care, or to care for a child or parent who has a serious health condition.

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- (ii) A total of twenty-six (26) workweeks of FMLA to care for a military family member with a serious injury or illness; and
- (iii) Each use a total of twelve (12) workweeks of FMLA leave in a leave year for:
 - (a) Their own serious health condition;
 - (b) To care for a spouse or child with a serious health condition; or
 - (c) Due to a qualifying exigency.

(2) Covered Period

- (a) Employees may take up to twelve (12) or twenty-six (26) weeks of unpaid, job-protected leave in a twelve (12)-month period for the reasons specified above depending on leave entitlement. The twelve (12)-month period is for a “rolling” twelve (12)-month period measured backward from the date the Employee returns to work from FMLA leave.
- (b) Each time an employee takes leave, the University will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.


(3) Reduced or Intermittent Leave

- (a) Under some circumstances, an Employee may take FMLA leave intermittently. Employees who require intermittent leave or reduced schedule leave for a foreseeable medical treatment (for the Employee, spouse, child or parent) must notify their Immediate Supervisor, and/or

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Human Resources, and their health care provider to schedule the leave so that it is not unduly disruptive to the operation of the University.

- (b) FMLA leave may be taken intermittently whenever it is medically necessary to care for a seriously ill spouse, child, parent, or because the Employee is seriously ill and unable to work. Employees must follow the notification and certification provisions set forth in Section (D)(5).
 - (c) FMLA leave to care for a child during the first year following birth, adoption, or foster care placement shall not be taken by an Employee intermittently or on a reduced leave schedule without the approval of the Immediate Supervisor and Human Resources.
 - (d) The taking of FMLA leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of FMLA leave to which the Employee is entitled beyond the amount of FMLA leave actually taken.
 - (e) The University permits FMLA leave in increments of one (1) hour.
- (4) Relationship to Paid or Unpaid Leave Policies
- (a) Employees are required to take accrued but unused sick leave, vacation leave, compensatory time, personal leave, or other paid time before taking unpaid leave for the twelve (12) or twenty-six (26) week period. Time taken will be counted concurrently toward both FMLA leave and the appropriate paid or unpaid leave. If paid leave balances are insufficient to cover the twelve (12) or twenty (26) work weeks, the additional amount of FMLA leave necessary to attain the twelve (12) or twenty-six (26) work weeks of leave will be unpaid.
 - (b) Notwithstanding (C)(4)(a), employees may request to reserve up to eighty (80) hours of paid vacation leave. The request must be made in

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writing prior to taking FMLA leave, if foreseeable, and submitted to Human Resources. Human Resources may approve the request after consultation with the Immediate Supervisor.

(5) Notice and Certification


(a) Employees seeking to use FMLA leave must provide:

- (i) Thirty (30)-day advance notice of the need to take FMLA leave when the need is foreseeable;
- (ii) Medical certification supporting the need for FMLA leave due to a serious health condition affecting the Employee, spouse, child or parent;
- (iii) Second or third medical opinions at the University's expense if required by the University and periodic re-certifications; and
- (iv) Periodic reports, if requested by Human Resources, during FMLA leave regarding the Employee's status and intent to return to work.
- (v) Recertification on an annual basis for use of intermittent leave.

(b) Human Resources will respond to all FMLA leave requests in writing.

(6) Continuation of Benefits

- (a) The University will maintain group health insurance coverage for an Employee on FMLA leave whenever such insurance was provided before the leave was taken, under the same terms as if the Employee had continued to work. Employees will continue to be responsible for their share of health care insurance premiums while on FMLA leave. If the

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Employee is on paid leave status while on FMLA leave, appropriate deductions will be taken from the Employee’s earnings.

- (b) If an Employee is in unpaid leave status, and the University pays for the Employee’s share of health care insurance premiums, the cost of such premiums will be calculated for the first and any subsequent pay periods. An invoice will be sent to the employee outlining the outstanding amount, payment instructions, and the due date.

(7) Reinstatement

- (a) Upon return from FMLA leave, employees will be restored to their original jobs, or to equivalent jobs with equivalent pay, benefits, and other terms and conditions of employment, as required by FMLA.