

12-16-2016

Policy Library- 545

Indiana State University. General Counsel

Follow this and additional works at: <https://scholars.indianastate.edu/policy>



Part of the [Education Policy Commons](#), and the [Higher Education Administration Commons](#)

Recommended Citation

Indiana State University. General Counsel, "Policy Library- 545" (2016). *Policy Library*. 29.
<https://scholars.indianastate.edu/policy/29>

This Article is brought to you for free and open access by the University Archives at Sycamore Scholars. It has been accepted for inclusion in Policy Library by an authorized administrator of Sycamore Scholars. For more information, please contact dana.swinford@indstate.edu.

Policy archived. Please refer to University Policy Library for current policy.

545 Leave

545.1 FMLA Leave

In compliance with the Family and Medical Leave Act (FMLA) of 1993, Indiana State University will provide eligible employees unpaid leave of up to twelve (12) work weeks per year as defined under the Act for qualifying family and medical reasons.

545.1.1 Service Requirement. Eligible employees must have been employed for at least twelve (12) months and have completed at least 1,250 hours of service in the twelve (12) month period immediately preceding the date on which the leave commences. Each employee's family medical leave year will begin the first time leave is taken; therefore, each employee will have a different family medical leave year.

545.1.2 Amount of Leave to be Taken. Time taken can be as small as one (1) hour and as much as the full twelve (12) weeks at once. This leave can be taken for any of the qualifying reasons and will be cumulative during that family medical leave year. FMLA time will be included in the time specified in the family leave policy.

545.1.3 Administration. The Staff Benefits Office will maintain official records pursuant to this policy. Additional information and clarification on family medical leave may be obtained by contacting the Staff Benefits Office. The complete University policy regarding FMLA is contained within this policy.

545.1.4 Faculty, Exempt Staff and Non-Exempt Professional Staff.

545.1.4.1 Integration of FMLA with Leave for Childbirth or Adoption. Faculty, Exempt Staff, and Non-Exempt Professional Staff may elect to take leave without pay in addition to leave with pay as described under the sick leave policy for childbirth or adoption, if applicable. For faculty, this election may extend to all or part of two (2) semesters, counting the semester during which childbirth/adoption occurs as one of the two (2) semesters.

545.1.4.2 Time Equivalencies for Faculty. Each summer counts as one (1) semester. FMLA time includes the time specified in the family leave policy. Leave without pay will be granted only on request and at the discretion of the appropriate vice president. Executive/administrative/professional staff may elect such leave without pay not to exceed six (6) months.

545.1.4.3 Other. Faculty, Exempt Staff, or Non-Exempt Professional Staff who otherwise qualify for special leave will not be denied such leave because of pregnancy/childbirth.

545.1.5 Non-Exempt Staff.

545.1.5.1 Integration of FMLA with Leave for Childbirth or

Adoption. Non-exempt staff member may elect to take a total of three (3) months leave for childbirth/adoption. The staff member may use sick leave, if applicable, for the period of time deemed unable to work by the physician. The remainder of the three-month leave will be charged to accumulated vacation time or leave of absence without pay if all vacation time has been used. Leave without pay will be granted only on request to the Human Resources Office with the approval of the appropriate vice president. The employee will be reinstated in the same or similar position immediately following the three-month leave. FMLA time includes the time specified in the family leave policy.

545.1.6 Guidelines. The Family and Medical Leave Act (FMLA) of 1993 requires all employers with more than 50 employees to provide up to twelve (12) weeks of unpaid, job-protected leave during any twelve-month period to "eligible" employees for certain family and medical reasons. In all cases, the twelve-month period will begin the first day FMLA leave begins.

545.1.6.1 Eligibility.

545.1.6.1.1 Full-Time, Non-Temporary Staff. Faculty, Exempt Staff, Non-Exempt Professional Staff, and Non-Exempt staff are eligible to take unpaid FMLA leave if employed by ISU for at least twelve (12) months and have worked for at least 1,250 hours during the twelve-month period before the leave. Salaried employees who have worked at least twelve (12) months are presumed to have met the 1,250 hour requirement.

545.1.6.1.2 Part-Time or Temporary Staff. Part-time and temporary employees, including graduate assistants, who have been employed at least twelve (12) months and who have worked at least 1,250 hours during the previous twelve (12) months are also eligible to take unpaid FMLA leave for the duration of the position.

545.1.6.2 Procedures.

545.1.6.2.1 Notice. In any situation where FMLA leave is requested, the employee is expected to give the supervisor and the Staff Benefits Office at least 30 days advance notice of leave. Otherwise, notice must be given with as much lead time as possible. This requirement will be met by completing the ISU Family and Medical Leave Request Form available from the Staff Benefits Office, or by verbal notification within two (2) days of learning of the need for the leave.

545.1.6.2.2 Accrual of Service Credit. Employees on FMLA leave are not entitled to the accrual of any service credit during the period of unpaid leave including faculty tenure service credit. Depending on the leave reason, the employee must first use all accumulated sick leave and, if eligible, vacation and the convenience day, before beginning unpaid leave. All related information will be maintained in a separate, confidential FMLA file.

545.1.6.2.3 Sickness Related to Pregnancy. Sickness related to pregnancy or medically determined inability to work due to pregnancy is given the same consideration for sick leave with pay as other sickness or injury. Sick leave may be used until the date released for work by the physician. Any additional time off after the work release date will be charged as vacation, if available, or leave without pay.

545.1.6.2.4 Return to Service. If the employee returns after the leave, the University will return the employee to the same or equivalent position and benefits. However, neither sick leave nor vacation will accrue while the employee is on unpaid leave.

545.1.6.2.5 Medical Certification. Medical certification from the employee's health care provider will be required at the employee's expense and must be provided within fifteen calendar days after the date of the leave request unless it is not practical to do so under the circumstances. The ISU Family and Medical Leave Certification Form, or an approved substitute, must be completed and submitted to the Staff Benefits Office.

545.1.6.2.6 Additional Medical Opinion. The Staff Benefits Office may require an additional medical opinion which will be at the University's expense.

545.1.6.2.7 Updated Certification Form. A new certification form may be required periodically as a means of updating the University on the status of the employee's FMLA leave.

545.1.6.3 Continuation Of Benefits During Leave. An employee who goes on FMLA leave will be entitled to continue health benefits. For health benefits during any paid portion of an FMLA leave, employee contributions will be collected in the same way as if actively at work (i.e., through payroll deductions). For health benefits during an unpaid leave, the employee will be billed for the normal monthly contribution. When feasible, the employee may choose to prepay health coverage contributions (i.e., through increased payroll deductions or other arrangements) when the need for unpaid FMLA leave is foreseeable. Failure to pay the required contributions while on leave will result in cancellation of benefits coverage; however, benefits will be fully reinstated when the employee returns to work.

545.1.6.3.1 Failure to Return to Work Following Leave. If the employee voluntarily does not return to work after the FMLA leave, the University may charge the employee retroactively for the University's portion of the health care premium cost paid during the unpaid FMLA leave. The employee is considered as having returned to work after FMLA leave by the time he/she has been back to work for at least 30 calendar days.

545.1.6.4 FMLA Leave Reasons.

545.1.6.4.1 Birth of Child; Adoption. Leave for the birth of the employee's child or to care for the newborn child or child placed with the employee for adoption or foster care. FMLA leave for a newborn child or for the adoption or foster care placement of a child must be completed within twelve (12) months of the birth, adoption, or placement. Leaves for these reasons must be taken in a block of time. Intermittent or reduced schedule leave is not permitted regardless of the employee's classification.

545.1.6.4.1.1 Both Husband and Wife Employed. When both husband and wife are employed by the University, they are jointly entitled to a combined total of twelve (12) weeks of FMLA leave under this leave reason.

545.1.6.4.1.2 Newborn Child of Female Employee. When the leave is for a newborn child of a female employee, a portion of the leave may be used toward the "employee's own serious health condition" as indicated in the following leave reason. The total under both leave reasons may not exceed twelve (12) weeks.

545.1.6.4.1.3 Use of Accumulated Leave. If applicable, the employee must first use all accumulated vacation leave and the Convenience Day before beginning the unpaid FMLA leave. In addition to FMLA, the University offers family leave and personal leaves of absence for those employees who qualify.

545.1.6.4.2 Leave for the employee's own serious health condition. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that may include:

- a. inpatient care in a hospital, hospice, or residential medical care facility;
- b. any period of incapacity requiring absence from work of more than three (3) calendar days that also involves continuing treatment (two or more visits) by or under the supervision of a health care provider;

c. continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or

d. prenatal care.

545.1.6.4.2.1 Intermittent or Reduced Schedule

Leave. Intermittent or reduced schedule leave is permitted when medically necessary and must be recorded on an hour for hour basis regardless of the employee's category. This will not affect the exemption from Fair Labor Standards Act overtime provisions for those in exempt positions.

545.1.6.4.2.2 Minimum Disruption. If FMLA leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption of the employing department. The University reserves the right to move an employee who is on intermittent or reduced schedule leave to an alternative position that can better accommodate such scheduling. All such moves must receive the approval of the Human Resources Office and the appropriate vice president.

545.1.6.4.2.3 Return to Service. Before an employee may return to work following a serious health condition, a fitness-for-duty medical certification from the treating health care provider is required by the Staff Benefits Office.

545.1.6.4.3 Leave for the serious health condition of a husband or wife, child, or parent (but not parent-in-law). The definition of a "serious health condition" is defined in leave reason Section 545.1.6.4.2.

545.1.6.4.3.1 Husband and Wife Both ISU

Employees. When both husband and wife are employed by ISU, they are each entitled to twelve (12) weeks of FMLA leave under this provision when the family member is the spouse or child.

545.1.6.4.3.2 Definition of Child. An employee's "child" may be a biological, adopted, or foster child, a stepchild, a legal ward, or a child for which the employee was acting in a parent-like capacity. The "child" must be under 18 years of age or over 18 years of age and incapable of self-care because of a mental or physical disability. The child does not have to live with the employee or be a legal dependent.

545.1.6.4.3.3 Intermittent or Reduced Leave. Intermittent or reduced schedule leave is permitted when medically necessary and must be recorded on an hour for hour basis regardless of the employee's category. This will not affect the exemption from Fair Labor Standards Act overtime provisions for those in exempt positions.

545.1.6.4.3.4 Minimum Disruption. If FMLA leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption of the office or department. The University reserves the right to move an employee on intermittent or reduced schedule leave to an alternative position that can better accommodate such scheduling. All such moves must be approved by the Human Resources Office and the appropriate vice president.

545.1.6.4.3.5 Accumulated Leave. If applicable, the employee must use family sick leave, all accumulated vacation and the convenience day, before beginning unpaid leave.

545.2 Personal Leave of Absence Without Pay

Any regular full-time benefits-eligible staff member may request a personal leave of absence without pay.

545.2.1 Duration. If granted, a leave of absence may be of any duration up to 30 days, or if a longer duration is anticipated, it should be in maximum periods of 30 days. A personal leave of absence without pay will not exceed six (6) months. Indefinite leaves are not granted.

545.2.2 Service Guideline. Normally, employees with less than one (1) year of service will not be granted a personal leave of absence without pay.

545.2.3 Benefits during Leave. During a leave of absence without pay, staff members may continue some benefits coverages if the required employee contributions are paid when due. This continuation of partial benefits may not exceed 24 months maximum leave of absence without pay.

545.2.3.1 Health Coverage during Leave. Health coverage may be retained as long as required employee contributions are paid. If the health coverage is not continued, it is the responsibility of the individual to re-enroll in the health plan coverage within 31 days of the date of return to work.

545.2.3.2 Life Insurance Coverage during Leave. Life insurance coverage will be maintained at no more than \$50,000 paid in full by the

University during the leave. Life insurance may be retained during the leave up to a maximum of 24 months.

545.2.3.3 Benefits Not Provided during Leave. The following benefits will not be continued during a personal leave of absence without pay:

- a. Disability insurance coverage
- b. Life insurance coverage over \$50,000
- c. Retirement contributions

545.2.4 Retirement Service Credit. A leave of absence without pay will not count toward retirement service credit. Staff/spouse/partner or dependent child fee waivers will not be granted during a leave of absence without pay. No other benefits are continued during the leave of absence without pay.

545.2.5 Administration. A Personnel Assignment Status Sheet (PASS) must be forwarded to the Human Resources Office with the period of time requested for the leave and the signature of the department head and the appropriate vice president prior to the beginning of the leave of absence without pay.

545.2.5.1 Intention to Return to Work. A leave of absence should not be requested if the staff member does not intend to return to work at the University. If no further employment is planned, or if the employee is resigning or dismissed, termination of the employee is in order rather than a leave of absence.

545.2.5.2 Vacation and Sick Time Accrual. Staff members who are on a leave of absence without pay do not earn vacation or sick leave time during such a leave period.

545.2.5.3 Earned Paid Leave Must be Used First. All earned vacation time and convenience day, if applicable, must be used prior to beginning a personal leave of absence without pay.

545.2.5.4 Return to Work. A staff member on a personal leave of absence without pay will not be guaranteed the right to return to the same job; however, an effort will be made to place the employee in a similar position. The employee's length of service will not permit the displacement of another employee. In the event that a similar position is not available within a reasonable period after the employee's scheduled return to work date, or if the employee refuses to accept an offer of employment for a similar position, employment with Indiana State University may be terminated.

545.3 Medical Leave of Absence

A medical leave of absence with or without pay may be granted for a period not to exceed six (6) calendar months including qualifying Family and Medical Leave Act

(FMLA) time. All earned sick and vacation leave must be used prior to requesting a medical leave of absence without pay.

545.3.1 Service Guideline. Normally, employees with less than one (1) year of service will not be granted a medical leave of absence without pay.

545.3.2 Integration of Sick and Medical Leave. Sick leave, when combined with a medical leave of absence without pay, may not extend beyond this six-month period.

545.3.3 Continuation of Benefits during Medical Leave. Certain benefits, including health, life, and disability coverage, may be continued during a medical leave of absence without pay which may result in qualification for long term disability benefits. Years of University service will determine the length of benefits continuation.

545.3.4 Illness or Injury beyond 6 Months. If an illness or injury extends beyond six (6) months, the employee may be:

- a. Placed on disability retirement, if eligible, through disability insurance and/or Social Security and Indiana Public Employees' Retirement Fund, or
- b. Subject to termination from the University if ineligible for University disability plans and FMLA time has been used.

545.3.5 Documentation for Non-FMLA. All medical leaves of absence not qualifying for FMLA leave must be documented by presenting verification from a licensed physician to the employee's supervisor and the staff Benefits Office. An employee will not be permitted to return to work without a written release from a licensed physician.

545.4 Election Day

Employees shall be given reasonable time off for voting on election days without loss of pay if their work schedule is in conflict with the voting hours posted at the places of voting.

545.5 Jury Duty

Any benefits-eligible staff member selected for jury duty will continue to receive normally scheduled pay.

545.5.1 Notice. The staff member is responsible for notifying the department head of the impending jury duty immediately upon receiving notice to serve.

545.5.2 Documentation. The staff member should present the supervisor with a copy of the letter of selection notification to be attached to the proper payroll form.

545.5.3 Other. During the period the staff member is actually serving on jury duty or required by the court to be present, the staff member will continue to receive normally scheduled pay. At other times when the court is not in session, the staff member is expected to be at work.

545.5.4 Service as Witness. When a benefits-eligible staff member is called upon as a witness in a court case, the staff member's regular pay will be continued during the absence. In no event shall payment be made for time lost for court appearances in cases where the staff member appears as party plaintiff or defendant.

545.5.5 Non-Benefits-Eligible Staff. Part-time temporary staff will be given time off without pay.

545.6 Funeral Leave

All benefits-eligible employees may be granted a leave of absence with pay by the department head for the purpose of making arrangements for and attendance at funerals in accordance with the following conditions:

545.6.1 Death of Member of Immediate Household. A leave of absence with pay up to three (3) days may be allowed for attendance at the funeral of a spouse, children, parents (including parents and stepparents in-law), brothers, sisters (including step siblings), or other members of the family residing in the immediate household. Travel time may also be granted if the funeral is held 150 or more miles from Terre Haute, but the total paid absence time including travel time is not to exceed five (5) days.

545.6.2 Other Family Members. For other members of the family--grand-parents, grandchildren, in-law relatives, uncles, aunts, nieces, and nephews--a leave of absence with pay may be allowed up to one (1) day for attendance at the funeral. Travel time may also be granted if the funeral is held 150 or more miles from Terre Haute, but total paid absence time including travel time is not to exceed three (3) days.

545.4.3 No Bereavement with Pay. In order to be allowed time off with pay, it is required that the employee will attend the funeral. No funeral leave with pay is granted for bereavement. Evidence may be required.

545.6.4 Leave without Pay Discretionary. For attendance at funeral services of other relatives or close friends, a leave of absence without pay may be allowed by the department head.

545.7 Military Duty

545.7.1 Annual Reserve Training. Any benefits-eligible staff member required to report for annual reserve training may be allowed up to 15 days leave of absence with pay per fiscal year if the training period falls within the individual's

normal work year. In the event that the training overlaps two (2) fiscal years, no more than 30 days leave of absence with pay will be permitted in a two-year period. Each request for leave must be submitted in writing to the department head, accompanied by a copy of the orders. A copy of the orders should also be attached to the appropriate payroll time recap sheet prior to the payment.

545.7.2 Active Duty. Any full-time regular benefits-eligible staff member serving in a reserve unit ordered to active duty may request a leave of absence without pay for the period of active duty and may return to University employment in accordance with the terms of the Uniformed Services Employment and Reemployment Rights Act (USERRA). Upon receipt of a copy of the active duty orders, the balance (if any) of the 15 days reserve training leave will be paid. Accrued vacation days will also be paid if requested by the employee. Faculty will submit such requests in writing to the appropriate dean. Executive/administrative/ professional staff should submit such requests in writing to the appropriate vice president or the University President. Support staff should submit such requests in writing to the department head. All requests will then be forwarded to the Human Resources Office.

545.7.3 Continuation of Benefits. Health plan benefits and/or life insurance may be continued during the period of such duty provided the employee contribution is paid when due. If health benefits are not continued during the period of military leave, they may be reinstated upon return in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). As health plan benefits are optional, returning employees must request reinstatement to the coverage in writing within 31 days of return to work.

545.8 Severe Weather

Occasionally, weather conditions may make it impossible for employees to report for work even though the University remains open. When an employee cannot get to work, this day off can be taken as a day of vacation, convenience day (if applicable), or as leave of absence without pay. (See Policy 726 Weather Guidelines.)

545.9 Breaks and Rest Periods

Reasonable rest periods are permitted during the working day. A rest period should not exceed a 15 minute break during each half day of work and should be taken at a time and in a manner which does not interfere with the efficiency of the work unit. A break period is intended to be followed and preceded by a work period; thus, it may not be used to cover a late arrival to work or an early departure.

545.10 Unauthorized Absences

Payment will not be made for any unauthorized absences. The staff member must notify or cause to be notified the immediate supervisor of any anticipated or necessary absence. Failure to notify the immediate supervisor of an absence within a reasonable

time shall constitute an unauthorized absence. An unauthorized absence of more than three (3) days may be considered job abandonment and may be cause for immediate termination.