Policy title	Category
Family and Medical Leave Act	Human Resources
Owner	**Approved by**
Human Resources	Board of Governors

Policy statement

Family and Medical Leave: Under the Family and Medical Leave Act (“FMLA”), Nebraska Wesleyan University provides up to 12 weeks of unpaid, job-protected leave to eligible employees. Employees who have surgery or are absent for more than 3 days from work should contact the Human Resources Office to discuss eligibility, use of FMLA Leave, and information concerning the procedures to receive such leave.

Eligibility Requirements: Employees are eligible for FMLA Leave if they have worked for at least one year and for 1,250 hours over the previous 12 months.

Employee Responsibilities: Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable.

Employees will be required to provide a medical certification and periodic recertification supporting the need for leave.

Basic Leave Entitlement: Employees may receive FMLA leave for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for the employee’s child after birth, or placement for adoption or foster care
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition, or
- For a serious health condition that makes the employee unable to perform the employee’s job.

Benefits and Protections: During FMLA leave, the University will maintain an employee’s health coverage on the same terms as if the employee had continued to work. Upon return from FMLA leave, employees will generally be restored to their original or equivalent positions with equivalent pay, benefit, and other employment terms. Employees have no greater right to benefits or job restoration than if they had been continuously employed.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the

start of an employee’s leave.

Military Family Leave Entitlements: Eligible employees with a spouse, son, daughter, or parent on active duty or call-to-active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or is on the temporary disability retired list.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that wither prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive cale ndar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave: An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military family leave due to qualifying exigencies may also be taken on an intermit tent basis.

Use of Paid Leave: The University employees are required to use accrued paid leave while taking FMLA leave and must comply with t he employer's normal paid leave policies. Employees qualifying for FMLA leave as part of a workers injury accident leave do not use pai d leave after they qualify for reduced salary paid by the University's workers injury insurance carrier. All University employees receiving reduced salary from workers injury insurance carriers cannot use paid leave to make up the reduced salary. FMLA leave conforms to t he workers injury paid leave policy.

Employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection and the anticip ated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstan ces supporting the need for military family leave. Employees also must inform the University if the requested leave is for a reason for whi ch FMLA leave was previously taken or certified.

The University's Responsibilities: The University will inform employees requesting leave whether they are eligible under FMLA. If the y are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are n ot eligible, the University will provide a reason for the ineligibility.

The University will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employ ee's leave entitlement. If the University determines that the leave is not FMLA-protected, the employee will be notified.

Questions about any portion of the Family Medical Leave Act should be directed to the Human Resources Office.

Last revised date
January 17, 2020