



# Family And Medical Leave Act

Employees who have worked for the University for at least twelve (12) months and at least one thousand two hundred and fifty (1250) hours during the twelve (12) month period preceding the commencement of leave are eligible for unpaid, job protected family or medical leave under the Family and Medical Leave Act (FMLA). Employees who are not eligible for FMLA or who have exhausted their FMLA entitlement may be eligible for non-FMLA leave needed for their own disability pursuant to the [Disability Accommodations policy and procedure](#).

## Leave Entitlement

1. Eligible employees are entitled to 12 (12) weeks of unpaid, job-protected leave for the following reasons:
  - (i) the birth of a child;
  - (ii) the placement of a child for adoption or foster care;
  - (iii) the need to care for a family member who is unable to care for themselves because of a serious health condition;
  - (iv) a serious health condition that makes the employee unable to work; or
  - (v) any qualifying exigency arising out of the fact that an immediate family member (spouse, child, or parent) is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves in support of a contingency operation, or if the individual is called to active duty and is a retired member of the Regular Armed Forces or Reserves.









When the employee requests leave, a New York Life Intake Specialist will request the necessary information, instruct the employee on follow-up and grant provisional approval (in writing) of the FMLA leave. New York Life will also send the certification form to the employee for completion by their health care provider (please see Medical Certification below for additional details). The University will notify the employee of the requirement for certification which is due no later than five (5) business days after the employee requests leave. Failure to provide requested certification within fifteen (15) days, unless otherwise stated, will result in denial of further leave until it is provided.

Failure to provide requested certification in a timely manner may result in denial of leave until it is provided.

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the date on which the serious health condition began;  
the probable duration of the serious health condition;  
the appropriate medical facts regarding the condition; and  
a statement that the employee is needed to care for the spouse, child, or parent, with an estimate of the amount of time that the care will require.

## Certification for Military Family Leave

If an employee is requesting leave because of a Qualifying Exigency or to care for a Covered Service Member, the employee must contact New York Life by calling their toll free number at 1 (888) 842-462. For Spanish speaking customers, call 1 (866) 568-21.

When an eligible employee contacts New York Life to apply for Military FMLA, a New York Life Intake Specialist will request the necessary information, instruct the employee on followup and grant provisional approval (in writing) of the FMLA leave. New York Life will also send the necessary certification forms to the employee for completion by the designated military health care provider.

When the employee requests leave, the University will notify the employee of the requirement for certification and that it is due no later than five (5) business days after the employee requests leave. Failure to provide requested certification within fifteen (15) days, unless it is not practicable to do so, will result in denial of leave until it is provided.

Failure to provide requested certification in a timely manner may result in denial of leave until it is provided.







# Status of Benefits While on Leave

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returns to active work following the family or medical leave, any benefits that have lapsed during the leave shall be reinstated as if the employee had remained actively employed during the leave, except that the employee shall not accrue any additional benefits or seniority during the time of the unpaid FMLA leave.

## Key Employees

Under certain circumstances the University may deny job restoration to key employees. A key employee is a salaried employee eligible to take leave under this Policy who is among the highest paid ten percent (10%) of all the employees (both salaried and non-salaried, eligible and ineligible under this Policy) who are employed by the University. Unless otherwise prohibited by applicable law, the University may refuse to reinstate key employees after using FMLA leave if it determines that substantial and grievous economic injury would result from reinstatement. If this determination is made, the employee will be notified in writing and given an opportunity to end the leave and return to work. If the employee remains on leave, they will not have a right to be restored to employment.