

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. Detroit Mercy will grant up to twelve-weeks of unpaid leave in a twelve-month period to eligible employees; with an option to use earned accruals for paid leave. *(Please contact Human Resources department)*

Administration and FMLA Management

Detroit Mercy has contracted a third party, Unum to implement, manage and coordinate the provisions of FMLA. Employees must provide at least a thirty-day advanced notice when applying for a foreseeable FMLA leave. The notice must be given to your supervisor, University Human Resources department and Unum. If a thirty-day notice cannot be given due to circumstances, an employee must give notice as soon as possible and practicable.

Unum will provide the employee with notice of eligibility and information regarding his or her rights and responsibility under FMLA. Unum will also provide the employee with next step instructions to complete the leave request. Unum will then partner with the employee to gather all required documentation and information needed to process and approve the leave request. This is a time sensitive process.

In some situations, family medical leave request may also overlap with short-term disability and affect employee's pay. It is the employee's responsibility to communicate and follow-up with Unum and Human Resources respectively to ensure timely and correct leave administration.

Eligible Employees

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

- Has worked for the University for at least 12 months;
(The 12 months of employment do not have to be consecutive. That means any time previously worked for the University could, in most cases, be used to meet the 12-month requirement).
- Has at least 1,250 hours of service for the University during the 12 month period immediately preceding the leave.
(Hours worked include overtime hours worked, but exclude paid time off, leaves of absences and layoffs).

Although 12 months of employment do not have to be consecutive, an employee with a break in service that lasts seven years or more will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or through written agreement as outlined in a collective bargaining agreement.

An ineligible employee cannot take family medical leave time, but may be entitled to time off under other University policies.

Leave Entitlement

An eligible employee may take FMLA leave for any of the following reasons:

- For the birth and after care of the employee's child, adoption or foster care placement of a child;
- For the care of the employee's spouse, child or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a "single 12 month period" to care for a covered service-member with a serious injury or illness when the employee is the spouse, son, daughter, parent or next of kin of the service-member.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason.

Serious Health Conditions:

A "serious health condition" includes illness, injury, impairment or physical or mental condition involving:

- Any period of incapacity requiring continued treatment by a healthcare provider, and absence from work for more than three days;
- Inpatient care, or continuing treatment by a healthcare provider,
- An overnight stay in a hospital, hospice, or residential medical facility (includes any related incapacity or subsequent treatment).
- Pregnancy or prenatal care
- Chronic conditions that require periodic visits for treatment (Over an extended period or episodic)
- Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective.

An absence due to an incapacity of more than three consecutive days caused by an injury or illness for which the employee receives short-term disability is counted as family medical leave time. An absence due to an incapacity of more than three consecutive days caused by a work-related injury and for which the employee receives workers' compensation benefits is also counted as a family medical leave time.

Absence, tardiness or leaving early for a qualifying family medical reason is not counted against an employee's attendance record for disciplinary purposes.

Calculation of Family Medical Leave Time

A rolling twelve-month period is the twelve-month period during which the twelve weeks of family medical leave may be taken.

Employee's Duty to Provide Advance Notice

An employee must provide thirty days advance notice when a family medical leave is foreseeable. If thirty days notice cannot be given due to the circumstances, an employee must give notice as soon as possible and practicable.

Pay, Benefits, and Reinstatement Pay

FMLA leave is generally unpaid. The University may require an employee taking FMLA leave to use and or exhaust his or her accrued sick time, personal and or paid vacation allowance for FMLA leave. An employee may also receive short-term disability benefits or workers' compensation benefits during a family medical leave, depending on the reason for the leave. FMLA, short-term disability and workers' compensation run concurrently. The University will continue to pay for its share of the premiums for an employee's health and dental insurance coverage during an FMLA leave for up to twelve weeks in the twelve-month period. If an employee does not return to work at the end of an FMLA leave, the employee will be required to reimburse UDM for all health, dental, life and disability insurance premiums paid by UDM on the employee's behalf.

Reinstatement

At the end of a family medical leave of twelve weeks or less, the University will restore an employee to his or her original job or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. The employee must provide a fitness-for-duty certification from the employee's health care provider upon returning to work. The University reserves the right to deny reinstatement to a "key employee" to the extent allowable by law. A "key employee" is a salaried employee who is among the highest paid 10% of Detroit Mercy employees.

Intermittent or Reduced Work Schedule Leave

An employee may take FMLA leave on an intermittent or reduced work schedule basis if it is medically necessary.

The employee must work out the intermittent or reduced leave schedule with his or her supervisor. Intermittent or a reduced work schedule leave for post-childbirth or post-adoption, and foster care placement reasons must be taken within one year of birth or

placement. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt business operations.

The University, whenever possible, may temporarily transfer an employee to an available alternative position for which the employee is qualified and which better accommodates the intermittent or reduced work schedule.

Extension of Family Medical Leave

UDM will not permit an employee who has exhausted the maximum twelve-week FMLA leave period to extend the family medical leave beyond the twelve-week maximum. An employee who has exhausted the twelve weeks of family medical leave may be eligible for an extension of the time off under other University policies and may be eligible for short-term disability or workers' compensation benefits, depending on the reason for the time off.

Other Employment

An employee will not be allowed to engage in any other employment during an FMLA absence, except as approved by UDM. Violation of this policy is grounds for termination.

For more information regarding Family Medical Leave Act (FMLA) see the [Benefits page](#).

Please view [FAQ's for Paid Time Off Policies](#) for more information.