

QUALIFYING FMLA LEAVES SUMMARY

WHAT IS THE FAMILY AND MEDICAL LEAVE ACT (FMLA)?

The purpose of FMLA is to assist employees in balancing work-life and family matters by providing for unpaid leave for special health or family related needs. The FMLA allows eligible employees to take a job-protected, unpaid leave for up to twelve work weeks in a rolling twelve month period. Although FMLA is an unpaid leave, the University has employees use all paid leave available.

ELIGIBLE EMPLOYEE

- Employed at least twelve months; and
- Worked at least 1,250 hours during the immediately preceding twelve month period.

WHEN MUST LEAVE BE GRANTED?

1. Birth of a child, and care for a newborn.
2. Placement, or anticipation of, with the employee of a child for adoption or foster care.
3. Care for a family member with a serious health condition. Family members include: employee's spouse (husband or wife as recognized by state law); child (under age 18) - including persons who stand or stood in loco parentis (i.e.; have day to day responsibilities to care for and financially support a child); child 18 or older if incapable of self-care because of a mental or physical disability; biological parent (not including in-laws).

NOTE: The Washington State Family Care Rule also provides protected leave for parent-in-laws and grandparents (parents of the employee's parents only). However, medical and dental benefits paid by the University do not continue during unpaid leave periods.

4. Employee's own serious health condition makes them unable to perform the functions of his or her job.

Serious health condition includes:

- Inpatient care - overnight stay in a hospital or day surgery plus any period of incapacity for pre-surgery test or post-surgery recovery.
- Continuing care by a health care provider.
 - < a period of incapacity **lasting longer than three days**, and any follow-up treatment related to the same condition;
 - < a period of incapacity due to pregnancy or for pre-natal care (severe morning sickness qualified for FMLA);
 - < any period of incapacity due to a **serious, chronic health condition**;
 - < a period of incapacity whether permanent or long-term, due to a condition for which treatment has not been effective;
 - < any period of absence to receive multiple treatments by a health care provider.

HOW LEAVE MAY BE TAKEN

- A lump period of 12 weeks;
- On an intermittent (hourly) basis;
- A part-time work schedule may be substituted for either of the above.

Employer's are only required to provide intermittent or part-time work schedules for an employees' own serious health condition. The University may transfer an employee to an available alternative position for which the employee is qualified during the duration of approved intermittent or part-time leave. The alternative position must have equivalent pay and benefits.

OTHER LEAVE RIGHTS AND REQUIREMENTS OF EMPLOYER

- Continue medical and dental insurance benefits, even if on unpaid status;
- Reinstatement to same position, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment (if employee can perform the essential functions of the job).