

## Purdue University Family and Medical Leave Act (FMLA) Policy

### **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business  
Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

### **Statement of Policy**

The Family and Medical Leave Act is a federal regulation that grants eligible employees the right to take 12 workweeks of job-protected leave over a 12-month period for FMLA-covered medical and family reasons. This policy is effective as of April 15, 2005. FMLA leaves that were approved under the prior FMLA policy and that are in effect on April 15, 2005, will be honored until October 15, 2005, at which time all FMLA leaves will be governed by this policy.

---

### **Reason for Policy**

This policy and the Family and Medical Leave Act Faculty and Staff Guidelines (Appendix E) describe the circumstances in which FMLA leave may be taken, notice provisions, medical certification requirements, coordination with other types of leave, reinstatement issues, and other issues related to FMLA leave.

---

### **Who Should Know This Policy**

- President
- Provost
- Associate and Vice Provosts
- Chancellors
- Vice Chancellors
- Vice Presidents
- Deans
- Faculty
- Directors/Department Heads/Chairs
- Administrative and Professional Staff
- Clerical and Service Staff
- Supervisors
- Business Offices
- Human Resource Services

---

### **Related Documents**

See Appendices.

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

## **Contacts**

---

### West Lafayette Campus –

- ADA/Leaves/CDL Program Consultant (765) 494-0269
- Employee Relations Secretary (765) 494-1679
- Physical Facilities Human Resources (765) 494-1421
- Housing and Food Services Human Resources (765) 494-9418
- Information Technology Employee Relations Consultant (765) 496-7261
- HR Manager for Advancement (765) 494-0542

Calumet Campus	Director of Human Resources	(219) 989-2254
North Central Campus	Director of Human Resources	(219) 785-5354
Fort Wayne	Director of Human Resources	(260) 481-6677

---

## **Table of Contents**

---

Statement of Policy.....	1
Reason for Policy.....	1
Who Should Know This Policy.....	1
Related Documents.....	1
Contacts.....	2
Table of Contents.....	2
Definitions.....	3
Exclusions.....	6
Procedures.....	6
Special Situations.....	11
Responsibilities.....	12
History.....	12
Official Documentation.....	12
Forms.....	12
Appendix.....	13

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

## **Definitions**

---

### **Term**

### **Definition**

Eligible employee

An employee who has been employed by the University for at least 12 months, consecutively or non-consecutively, and has worked at least 1,250 hours during the 12-month period preceding the date FMLA leave commences.

Family and Medical Leave Act or FMLA

The Family and Medical Leave Act of 1993, 29 U.S.C. § 2611 et. seq.

Family member

A son, daughter, spouse, or parent (see respective definitions).

Health care provider

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or others capable of performing health care services, including: a) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; b) nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; c) Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts; d) any health care provider from whom the University or the University's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and e) a health care provider as defined above who practices in a country other than the United States,

# Purdue University Family and Medical Leave Act (FMLA) Policy

## POLICY IV.10.1

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

	who is licensed to practice in accordance with the laws and regulations of that country and who is performing within the scope of his or her practice as defined by law.
Human Resources	The campus human resources department or the appropriate human resource service team (West Lafayette).
Intermittent leave	FMLA leave taken in separate blocks of time due to a single qualifying reason.
Parent	The biological parent of an employee or an individual who stands or stood <i>in loco parentis</i> to an employee when the employee was a child. The term does not include parents “in-law”.
Reduced schedule leave	A leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.
Serious health condition	<p>An illness, injury, impairment, or physical or mental condition that involves a) <b>inpatient care</b> (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this policy, defined to mean inability to work, attend school, or perform other daily regular activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or</p> <p>b) <b>continuing treatment</b> by a healthcare provider.</p> <p>A serious health condition involving <b>continuing treatment</b> by a health care provider includes any one or more of the following:</p> <p>A. A period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom) of more than three consecutive calendar days, including any subsequent treatment or period of</p>

---

Purdue University Family and Medical Leave  
Act (FMLA) Policy

**POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business  
Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

incapacity relating to the same condition, that also involves:

1. treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
  2. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- B. Any period of incapacity due to pregnancy, or for prenatal care.
- C. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
1. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
  3. may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need to be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- E. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of,

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Son or daughter

A biological, adopted, or foster child, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

Spouse

A husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common-law marriage in states where it is recognized.<sup>1</sup>

---

## **Exclusions**

Employees who have not worked for the University for at least 12 months and/or have not worked at least 1,250 hours during the 12-month period preceding the date that FMLA leave would commence are not eligible for FMLA leave.

---

## **Procedures**

### **Introduction**

The following provisions summarize the University's policy on FMLA leave. Due to the complexity of the FMLA and its interrelationship with the University's other leave policies, the Family and Medical Leave Act Guidelines (Appendix E), which more fully explain the rights and responsibilities of the University and its employees under the FMLA, have been developed and are periodically updated by the Human Resources department (West Lafayette). Both this policy and the guidelines should be consulted when questions arise regarding FMLA leave.

---

<sup>1</sup> While the FMLA definition of "spouse" does not include same-sex domestic partners, same-sex domestic partners will be deemed "spouses" for purposes of this policy pursuant to the Board of Trustees' September 2002 resolution, which granted benefits to same-sex domestic partners.

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

## **General Provisions**

### FMLA-Qualifying Leaves

The University will grant an eligible employee 12 workweeks of FMLA leave over a 12-month period for the following reasons:

- because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job, as certified by his or her health care provider;
- for birth of his or her child;
- for placement with the employee of a child for adoption or foster care (including related court appearances, consultations with attorneys, and counseling sessions);
- to care for a child during the first 12 months following birth or placement (“bonding” with the child); or
- if the employee is needed to care for his or her spouse, child, or parent with a serious health condition, as certified by the family member’s health care provider.

### Workweeks

Workweeks will be calculated based on each individual employee’s workweek.

### Twelve-Month Period

The 12-month period will be a rolling 12-month period measured backward from the date FMLA leave commences.

### Twelve-Week Spousal Limitation

A husband and wife who are employed by the University will be limited to a combined total of 12 workweeks of leave during the 12-month period if the leave is taken:

- for birth of their child;
- for placement with them of a child for adoption or foster care;
- to care for a child during the 12 months following birth or placement (“bonding with the child); or
- to care for the employee's parent (excluding in-law) with a serious health condition.

### Intermittent and Reduced Schedule Leave

FMLA leave may be taken on an intermittent or reduced schedule basis for certain FMLA-qualifying reasons.

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

### Employee Notice

- An employee will, if possible, request FMLA leave in writing on the Family and Medical Leave Act Request and Notice Form, Appendix A. However, FMLA leave will not be denied if an employee gives his or her supervisor verbal notice of the need for FMLA leave and the timing and duration of the leave.
- For foreseeable FMLA leave based on planned medical treatment, an employee must consult with his or her supervisor and make a reasonable effort to schedule the leave so as not to disrupt the University's operations.
- If the FMLA leave is foreseeable, an employee must give his or her supervisor at least 30 days advance notice of the need for leave, if practicable.
- If the FMLA leave is not foreseeable, an employee or his or her representative must give notice of the need for leave to the employee's supervisor as soon as practicable (*i.e.*, ordinarily within two business days after the need for leave becomes known).
- If an employee takes leave for an FMLA reason without notifying the supervisor, the leave has not been designated by the University as FMLA leave, and the employee desires FMLA leave, the employee must notify his or her supervisor within two business days after returning to work that the leave was taken for an FMLA reason. Absent such notice, the employee is not entitled to the protections of the FMLA.

### Group Health Insurance

The University will continue to pay its share of the cost of an employee's group health insurance during FMLA leave, unless the employee notifies the University in writing to cancel coverage. If the employee uses paid leave during FMLA leave, the employee's share of the premium will be deducted from the employee's pay in accordance with normal practice. If the FMLA leave is unpaid, the employee must pay his or her share of the premium. If the employee fails to pay his or her share of the premium, the University reserves the right to pay the employee's share of the premium or to cancel coverage, as permitted by law. If the employee fails to return to work after the FMLA leave, the University may recover from the employee the premiums it paid for the employee's insurance, unless the employee is unable to return to work due to a serious health condition, or other circumstances beyond the employee's control.

## Purdue University Family and Medical Leave Act (FMLA) Policy

### **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

### Medical Certification

- If FMLA leave is due to a serious health condition of the employee or his or her spouse, child, or parent, then the employee is required to furnish medical certification of the serious health condition.
- The certification will be completed and signed by the individual's principal health care provider.
- The certification must be returned to Human Resources within fifteen (15) calendar days of the date that the certification is delivered to the employee, unless the employee is unable to do so despite his or her good faith efforts. If the employee fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the effective date of the certification may be considered unauthorized. An employee who is absent without authorization may be disciplined, up to and including termination.
- A health care provider representing the University may contact the individual's health care provider, with the employee's permission, to clarify and authenticate the certification.
- The University reserves the right to request recertification as described in the Guidelines, Appendix E.

### Return-to-Work Statement

If FMLA leave is due to the employee's serious health condition, he or she must present a return-to-work statement to his or her supervisor or Human Resources upon returning to work. The statement must specify whether the employee is able to work and any physical or other restrictions on the employee's ability to work. Reinstatement may be delayed until the employee submits the statement. A return-to-work statement will not be required upon an employee's return to his or her regular schedule from intermittent leave.

### **Coordination of FMLA Leave With Other University Leaves**

The use of other University paid leaves of absence during an FMLA-qualifying leave will decrease, in whole or in part, the amount of FMLA leave available to an employee for the following types of paid leave:

- Worker's Compensation: If an employee takes worker's compensation leave for an FMLA-qualifying reason, the employee's FMLA leave and worker's compensation leave will run concurrently.
- Paid Sick Leave: If an employee's FMLA leave is due to his or her own serious health condition or a family member's serious health condition and the employee has

## Purdue University Family and Medical Leave Act (FMLA) Policy

### **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

accrued, unused paid sick leave, the employee must use the paid sick leave during the FMLA leave. On a fiscal-year basis, employees may take a maximum of 10 days of paid sick leave to care for a family member with a serious health condition. The employee's FMLA leave and the paid sick leave will run concurrently.

- Paid Vacation Leave: Upon exhausting all paid sick leave, an employee has the right to use accrued, paid vacation during an FMLA-qualifying leave. The employee's FMLA leave and vacation leave will run concurrently.
- Paid Personal Business Days (Faculty, Continuing Lecturers, and Administrative and Professional staff only): Upon exhausting all paid sick leave, a faculty member, a continuing lecturer, or an administrative or professional staff member has the right to use paid personal business days during FMLA leave. The employee's FMLA leave and paid personal business days will run concurrently.
- Paid Personal Holiday (Clerical and Service staff only): Upon exhausting all paid sick leave, a clerical or service employee has the right to use a paid personal holiday during FMLA leave. The employee's FMLA leave and paid personal holiday will run concurrently.

### **University Designation of Leave**

It is the University's responsibility to designate leave as FMLA leave, and to give the employee timely notice of the designation.

### **Reinstatement**

Except as provided in the following three paragraphs, an employee will be reinstated to the same position he or she held when FMLA leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the employee can perform the essential functions of the position.

- The University's obligation to restore the employee to the same or an equivalent position ceases: 1) if and when the employment relationship would have terminated if the employee had not taken FMLA leave; 2) the employee informs the University of his or her intent not to return to work at the expiration of the FMLA leave; 3) the employee fails to return to work at the expiration of the FMLA leave; or 4) the employee continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period.
- An employee who exceeds his or her FMLA leave and remains off work under a non-FMLA leave is not entitled to reinstatement to the same or an equivalent position under the FMLA. The employee's right to reinstatement will be controlled by the non-FMLA leave policy.

## Purdue University Family and Medical Leave Act (FMLA) Policy

### **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

- 
- The University may deny reinstatement to any salaried employee who is among the highest paid 10 percent of all individuals employed by the University if: 1) the denial is necessary to prevent substantial and grievous economic injury to the operations of the University; and 2) the University notifies the employee of its intent to deny leave on such basis at the time the University determines that such injury would occur, and, if the employee is on leave, the employee elects not to return to employment after receiving such notice.

### **No Negative Action**

FMLA leave will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions, or under attendance policies.

### **Confidentiality**

All medical information relating to FMLA leaves, whether verbal or written, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications must be maintained in confidential, secure files separate from personnel files within Human Resources.

### **Guidelines**

All medical guidelines relating to FMLA leaves will be developed by the Human Resources department (West Lafayette) and updated from time to time as necessary.

### **Questions**

Questions regarding the foregoing policies should be directed to Human Resources.

---

## **Special Situations**

Any questions or concerns related to special situations should be directed to Human Resources.

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

## **Responsibilities**

<b>Person</b>	<b>Responsibility</b>
Employee	See FMLA Employee Checklist (Appendix C)
Supervisor	See FMLA Procedures & Responsibilities for Supervisors, Business Offices, or Human Resource Services (Appendix D)
Human Resources	Answer questions and review paperwork to ensure that procedures are being followed

---

## **History**

### **Modification of Titles:**

#### **Amended:**

**Supersedes:** Executive Memorandum C-30, and a portion of Executive Memorandum C-47

---

## **Official Documentation**

The Family and Medical Leave Act of 1993, Title 29, Part 825 of the Code of Federal Regulations

---

## **Forms**

In support of this policy, the following forms are included:

<b>Name</b>	<b>Number</b>
Faculty and Staff Record of FMLA Leave	Form 33FMLA (Appendix F)
Family and Medical Leave Act Request and Notice	Appendix A
FMLA Medical Certification Form	Appendix B

# Purdue University Family and Medical Leave Act (FMLA) Policy

## **POLICY IV.10.1**

Volume IV, Human Resources  
Chapter 10, Leaves  
Issuing Office: Human Resource Services  
Responsible Officer: VP for Business Services and Assistant Treasurer  
Responsible Office: Human Resource Services  
Originally Issued April 15, 2005  
Most Recently Revised April 15, 2005

---

## **Appendix**

---

<b>Name</b>	<b>Number</b>
Family and Medical Leave Act Request and Notice	Appendix A
FMLA Medical Certification Form	Appendix B
FMLA Employee Checklist	Appendix C
FMLA Procedures and Responsibilities for Supervisors, Business Offices, and Human Resource Services	Appendix D
Family and Medical Leave Act Faculty and Staff Guidelines	Appendix E
Faculty and Staff Record of FMLA Leave	Appendix F