M. FAMILY AND MEDICAL LEAVE FOR TEACHING, RESEARCH, AND GRADUATE ASSISTANTS.

M-1. Family and medical leave may be requested by an eligible teaching, research, and/or graduate assistant for the following reasons:

   a. birth, adoption or foster care placement of a child;
   b. parenting to care for or bond with a child within twelve (12) months following the birth, adoption or foster care placement of a child;
   c. to care for an immediate family member as defined in [A-3] of this policy with a serious health condition as defined in [M-5] of this policy; or
   d. because of the teaching, research, or graduate assistant’s own serious health condition [M-5].

M-2. Family and medical leave for teaching, research, and graduate assistants is paid for by the department at no less than 80% of the assistant’s regular stipend, to be paid by the funding department or agency. Payment exceeding 80% is permitted at departmental discretion.

M-3. Eligibility. If the teaching, research, or graduate assistant has been employed by the university for a minimum of two (2) semesters and has worked at least 20 hours per week during the two semesters prior to the requested leave, the teaching, research, or graduate assistant is eligible for family medical leave.

M-4. Length of Leave. A maximum of up to six (6) weeks or a total of 120 hours of paid family medical leave may be granted to teaching, research, and graduate assistants during a single academic year. The length of unpaid leave following this period is to be determined by the academic unit(s) through which the teaching, research, or graduate assistant is hired.

   When both parents are employed at the university as teaching, research, or graduate assistants, family medical leave taken for childbirth/parenting consists of a single benefit of up to a total of six (6) weeks for either parent (but not both parents, see M-15) or the single benefit may be shared between the parents. Up to ten (10) days of leave may be available to either parent for “parenting” (the bonding period after child birth related disability or for a non-birth mother or father. [C-7.f.]

M-5. Definitions.

   a. “Serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with in-patient care (i.e. overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care; continuing treatment by a health care provider, which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) due to a health condition (including treatment for or recovery from) lasting more than three (3) consecutive days; and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

      1. treatment two (2) or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen of treatment; or
      2. pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
      3. chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
4. permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
5. absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g. chemotherapy or radiation treatments for cancer).
6. parenting. “Parenting” is defined as the period of bonding that occurs within the first twelve (12) months of the birth, adoption or foster placement of a child in the family and ends twelve (12) months after birth or placement of an adopted or foster child for either parent. A teaching, research, or graduate assistant who has given birth may be eligible for family medical leave related to child-birth disability and may continue leave followed by a period of bonding or parenting which begins at the expiration of the disability of the birth mother and/or child if applicable. Up to ten (10) days of sick leave may be used by either parent for the bonding/parenting period (C, E-7 and M-3). (ed. 12-13)

b. An eligible teaching, research, or graduate assistant includes any assistant who meets all of the following criteria:

1. has completed two (2) semesters of service with the university as a teaching, research, or graduate assistant, and
2. has worked at least 780 hours during the two (2) semesters prior to the commencement of the requested leave, and
3. returns to work from the approved leave for at least thirty (30) calendar days.

M-6. Health benefits continued during family medical leave on the same basis as for any similarly situated teaching, research, or graduate assistant who is actively at work, regardless of whether the teaching, research, or graduate assistant is using other forms of accrued leave or taking leave unpaid. The teaching, research, or graduate assistant’s share of cost for health coverage is the amount that is typically payroll-deducted for the teaching, research, or graduate assistant’s own coverage and/or coverage for his/her dependents. The teaching, research, or graduate assistant is responsible for payment of these amounts during leave. Payroll deductions will be continued for any portion of the leave that is paid. During any portion of leave when no pay is received, the teaching, research, or graduate assistant must make arrangements to self-pay these amounts.

M-7. All qualified absences, including those due to a work-related injury, will be considered as family medical leave.

M-8. If there are reasonable circumstances to support that a teaching, research, or graduate assistant’s absence qualifies as family medical leave, the university has the right to classify such absence as family medical leave.

M-9. When the need for family medical leave is foreseeable, a teaching, research, or graduate assistant must request an application for family medical leave at least thirty (30) days in advance of the need for leave. Application assistance is available from Benefit Services. When events are not foreseeable, teaching, research, or graduate assistants must provide as much notice as is possible. Application for family medical leave after a return from absence is not recommended; rights to preserved employment and benefits may be adversely affected. In any event, absent extraordinary circumstances, an teaching, research, or graduate assistant may not claim an absence as a qualified family medical leave event unless done so within the first two (2) days of return from an absence.

M-10. When leave is taken for personal illness or to care for an immediate family member with a serious health condition, leave may be continuous or intermittent and may include a reduction in hours worked. For intermittent leave, the teaching, research, or graduate assistant must provide certification from the health care provider caring for the teaching,
research, or graduate assistant and/or family member stating the leave must be taken intermittently. Teaching, research, or graduate assistants needing intermittent leave must attempt to schedule their leave so as not to disrupt university operations. The university reserves the right to assign a teaching, research, or graduate assistant to an alternative position with equivalent pay and benefits that better accommodates the teaching, research, or graduate assistant’s intermittent or reduced leave schedule.

**M-11.** Teaching, research, or graduate assistants on family medical leave are required to provide documentation to Benefit Services as requested, including intent to return to work. During leave, the university may require a teaching, research, or graduate assistant to re-certify the medical condition that caused him/her to take leave. A return-to-work release from the health care provider is required before a teaching, research, or graduate assistant absent due to his or her own serious health condition may return to work.

**M-12.** Family medical leave requests for medical treatment or care giving requires certification from the health care provider documenting medical necessity.

**M-13.** Family medical leave requests for parenting must be approved in advance and completed within twelve (12) months of the birth, adoption, or foster care placement of a child.

a. Shared leave under L of this policy may not be used for the purpose of parenting; however, shared leave (if granted) may be used for the disability period related to childbirth.

b. Intermittent leave or reduced work schedule requests for parenting may not be granted, or may be cancelled by the university with thirty (30) days written notice, based on business needs of the university.

**M-14.** Family medical leave taken by two (2) teaching, research, or graduate assistants to care for a new born child or child placed for adoption or foster care or to care for a family member who has a serious health condition consists of a maximum six (6) weeks of leave for each assistant.

**M-15.** If the university obtains information from a credible source, such as the workers’ compensation authority, disability carrier, or a medical practitioner, that alters, changes, casts doubt, or fails to support continued leave or the leave application, the university has the right to:

a. revoke leave;

b. not grant leave;

c. require new evidence to support the leave request;

d. require the teaching, research, or graduate assistant to return to work if the leave is not substantiated; and/or

e. when appropriate under applicable employee discipline policies [FSH 3910, 3920, and 3930], take disciplinary action, up to and including dismissal.

**M-16.** Upon return from family medical leave, teaching, research, or graduate assistants will be assigned to their same or similar position with equivalent pay and status with or without reasonable accommodation, as appropriate, in accordance with the Americans with Disabilities Act. Job reassignment must be coordinated with Employment Services and approved by the AVP for Human Resources or designee. The university has no obligation to restore employment to temporary hourly (TH) or other employees if the employment term or project is over and the university would not otherwise have continued employment.
M-17. Family medical leave is not intended for individuals who do not plan to return to work. A teaching, research, or graduate assistant who applies for and is granted family medical leave and fails to return to work for at least thirty (30) days upon the expiration of their family medical leave period may be obligated to repay the costs of health coverage provided by the university during any portion of family medical leave. If the university is notified that the teaching, research, or graduate assistant does not intend to return to work, the family medical leave period will terminate immediately and the teaching, research, or graduate assistant will be separated from employment on that date. Medical, dental and under some circumstances Health Care Spending Accounts may be continued through the Consolidated Omnibus Budget Reconciliation Act (COBRA). Options for life insurance portability or conversion may also be available. Job separation under these circumstances will result in a lump sum payment of annual leave and/or compensatory balances. In addition, the teaching, research, or graduate assistant will no longer have a right to restoration to the same or equivalent position. The teaching, research, or graduate assistant is responsible for contacting Employment Services to arrange for an exit interview.