PURPOSE

The purpose is to establish a policy, provide definitions, and establish administrative procedures for leave taken under the Family and Medical Leave Act consistent with federal law and State System policy.

SCOPE

This policy applies to faculty, management, administrative and support staff of East Stroudsburg University of Pennsylvania.

POLICY

In accordance with The Family and Medical Leave Act of 1993 (FMLA) the State System of Higher Education provides leave (with or without pay) with benefits within a rolling 12-month period to employees who have serious health conditions; who become parents through childbirth, adoption or foster care replacement; or who are needed to care for a seriously ill family member, as long as the employee has been employed at least one year (total employment, even if the employment was not continuous) and has been paid for at least 1,250 hours (which includes regular and overtime hours paid, but excludes holidays and other paid time off) during the previous 12-month period. Provided in this policy is information about the leave permitted under the State System's FMLA policy.

For additional information, faculty, administrative and support staff employees should refer to their appropriate collective bargaining agreement. Management employees should refer to the management leave program guidelines as outlined by the Pennsylvania State System of Higher Education.

TYPES OF LEAVE

A. Sick Leave Without Pay

Permanent/regular employees are entitled to six months (982.5 hours for employees who work 7.5 hour days, 1,048 hours for employees who work 8.0 hour days, 131 days for faculty or a pro-rated amount of hours/days for part-time employees) of sick leave without pay for illness or disability due to a serious health condition. Faculty members who are absent for a partial day will be charged a half day of leave; leave time for other employees will be calculated on an hour for hour basis against the hours of entitlement.

Before, during, or instead of sick leave without pay, employees may use accrued annual, personal, or sick leave, provided the leave would qualify as sick leave without pay. The use of paid leave shall be included when calculating the sick leave without pay entitlement.

Employees may use leave on an intermittent or reduced-time basis at any time before the initial sick leave without pay entitlement expires. Contact the Human Resource Office for details regarding this option.
Upon request and certification from a physician, which provides proof of continuing disability, a prognosis, and expected return to work date, employees who are unable to return to work after the expiration of the initial six-month sick leave without pay entitlement, may, at the discretion of the university president, be granted an additional six months of sick leave without pay without benefits.

B. Family Care Leave Without Pay

Permanent employees with at least one year of service (total employment, even if the employment was not continuous) are entitled to 12 weeks (450 hours for employees who work 7.5 hour days, 480 hours for employees who work 8.0 hour days, or a pro-rated amount of hours for part-time employees) of family care leave without pay every calendar year to care or arrange care for a family member with a serious health condition. Faculty members who are absent for a partial day will be charged a half day of leave; leave time for other employees will be calculated on an hour for hour basis against the hours of entitlement.

Family member, for this purpose, is defined as a spouse, parent, child, or other person qualifying as a dependent under IRS eligibility criteria. A parent can be a biological parent or an individual who stood as a parent (in loco parentis) to the employee when the employee was a child. A child can be a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person who is standing as a parent (in loco parentis); a child must be under age 18 or 18 years or older and incapable of self-care because of mental or physical disability.

Before, during, after, or instead of family care leave without pay, employees may use accrued annual, personal, and/or if applicable, sick family leave provided the leave would qualify as family care leave without pay. The use of paid leave shall not be included when calculating the family care leave entitlement.

Employees may use leave on an intermittent or reduced-time basis at any time before the family care leave without pay entitlement expires.

C. Parental Leave Without Pay

Permanent/regular employees are entitled to six months (982.5 hours for employees who work 7.5 hour days, 1,048 hours for employees who work 8.0 hour days, 131 days for faculty or a pro-rated amount of hours for part-time employees) of parental leave without pay upon the birth, adoption, or foster care placement of a child. Faculty members who are absent for a partial day will be charged a half day of leave; leave time for other employees will be calculated on an hour for hour basis against the hours of entitlement.

When disabled due to childbirth or other disability, employees may use accrued sick leave or sick leave without pay. A doctor's certificate stating the period of disability is required and should be forwarded as soon as possible. Before, during, and after, or instead of parental leave without pay, employees may use accrued annual and/or personal leave, provided the leave would qualify as parental leave without pay. Paid leave may not be anticipated. The use of paid leave shall not be included when calculating the parental leave without pay entitlement.

Subject to administrative approval, employees may use leave on an intermittent or reduced-time basis at any time before the parental leave without pay entitlement expires. At the discretion of the university, at the end of the initial six-month parental leave without pay entitlement, and extension of parental leave without pay without benefits may be granted.

The entitlement to parental leave without pay expires one year from the date of birth, adoption, or foster care placement regardless of whether or not the full parental leave without pay entitlement was used.

BENEFIT ENTITLEMENT

The benefit entitlement includes both short- and long-term unpaid absences, and is cumulative for both sick and parental leave. The following benefits continue during the entitlement period.

- Group Life Insurance coverage will continue.
- For full-time and eligible part-time employees, medical/hospital coverage will continue. Employees receiving coverage through State System of Higher Education’s Group Health Plan (SSHEGHP) will be billed for their share of the cost of coverage by the SSHEGHP. Employees receiving coverage through the Pennsylvania Employees Benefit Trust Fund (PEBTF) will be billed for their share by the PEBTF.

- Supplemental benefits for employees enrolled in PEBTF Supplemental Benefits Program and the State System of Higher Education’s Management Benefit Program will continue. Supplemental benefits for employees whose benefits are determined by the APSCUF/State System health and welfare fund should contact that health and welfare fund to determine if coverage continues.

- Long-Term Disability benefits will continue provided the employee pays the premiums, which will be billed by the State System of Higher Education.

- Voluntary Group Life and Personal Accident Insurance coverage will continue provided the employee pays the premiums, which will be billed by the State System of Higher Education.

**RETURN TO WORK**

Employees have the right to return to the same position or an equivalent position with regard to pay upon return from leave without pay. Employees who are granted a second six months of sick leave without pay have the right to return, before or upon the expiration of the second six months, to a vacant position that the employee is qualified for and the university intends to fill. Failure to return to work following the termination of a leave without pay shall subject the employee to disciplinary action up to and including termination effective on the first day after the leave without pay ends.

**PROCEDURE**

For Employee Sick Leave, written notification requesting sick leave without pay, along with a *Serious Health Condition Certification* (*Attachment A*) that provides proof of disability, prognosis, and expected date of return to work, must be submitted in advance if circumstances permit. And, upon return to work, employees must provide a doctor’s certificate releasing the employee to perform full duties.

For Family Care Leave, written notification stating the name and relationship of the person to be cared for and anticipated duration of the leave must be submitted to request family care leave without pay. Also required is a *Serious Health Condition Certification* stating that the family member has a serious health condition which requires the employee's care or requires the employee to arrange care, the date the illness or disability began, and its anticipated duration.

For Parental Leave, written notification requesting parental leave without pay must be submitted at least two weeks in advance if circumstances permit and must state the anticipated duration of the leave. When an employee is disabled due to childbirth or other disability, and using accrued sick leave or sick leave without pay, a *Serious Health Condition Certification* that provides proof of disability, prognosis, and expected date of return to work, must be submitted as soon as possible.

The appropriate forms (*Attachments A, B, C*) for making the requests for FMLA leave and *Serious Health Condition Certification* for either the employee or a sick family member are available through the Office of Human Resource Management as well as attached to this policy. Both the request form and the *Serious Health Condition Certification* must be submitted to the Office of Human Resource Management in a timely manner as outlined in this policy. In addition, faculty members must submit a letter requesting the appropriate leave to the Office of the President. Non-instructional staff must submit a letter requesting the appropriate leave to the Director of Human Resource Management.

Once a request is reviewed, written notice will be sent to the employee advising as to whether the leave has been approved.

This policy will become effective immediately.