

Denison University
Family and Medical Leave Policy

A. Required through Legislation:

Effective August 5, 1993, the Family and Medical Leave Act of 1993 provides eligibility for members of the faculty, administrative staff and supportive operating staff for up to twelve (12) weeks of unpaid leave during a twelve (12) month period for the following reasons:

1. For the birth of a child and to care for the newborn son or daughter¹;
2. To care for a son or daughter placed with the faculty/staff member for purposes of adoption or foster care¹;
3. To care for a spouse², domestic partner³, son or daughter or parent⁴ with a serious health condition⁵
4. Because of a serious health condition that makes it impossible for the faculty/staff member to perform the functions of his/her job.

Faculty and staff members are eligible for a leave under the Act twelve (12) months after their date of hire if they have also worked at least 1,250 hours during the twelve (12) months before leave is requested⁶. Eligible members may not take more than a total of twelve (12) weeks-unpaid leave during any twelve (12) month period. Leaves taken for the birth or placement of a child must be completed within twelve (12) months of that birth or placement. The university uses the "rolling method-counting backward" method to determine the 12-month period during which employees are entitled to leave. **Under this method, a faculty or staff member's entitlement to leave is determined by looking at the 12 months prior to the time the leave is requested. The faculty or staff member is entitled to any balance of leave not taken during the 12-month period. Thus a faculty or staff member who has not taken any leave in the last year is entitled to 12 weeks; while a faculty or staff member who has taken three weeks' leave in the last year is entitled to only nine more weeks.**

Important Note: Denison's policy is to allow leave under the Family and Medical Leave Act to be coordinated with all other paid leave. Faculty/staff members must use all applicable accrued

¹ "Son or daughter" means a biological, adopted or foster child, a step-child, a legal ward, or a child of a person acting as a parent, who is either under age 18, or age 18 or older and is "incapable or self-care because of a mental or physical disability"

² ("Spouse" means a husband or wife as defined and recognized under state law for purposes of marriage, including common law marriage, in states where it is recognized.)

³ "Domestic Partner" means same-sex partner as certified by an Affidavit of Domestic Partnership filed with the Office of Human Resources. As a matter of law, leave taken for a domestic partner is not covered by the Federal FMLA. In this manner, Denison's policy goes beyond the federal requirements.

⁴ "Parent" means biological parent or an individual who stands or stood as the faculty/staff members parent when the faculty/staff member was a child. This term does not include parents "in-law".

⁵ "Serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment following in-patient care in a hospital, hospice, or residential medical care facility; a period of incapacity requiring more than three days absence from work and continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated would likely result in incapacity of more than three days; or continuing treatment by or under the supervision of a health care provider of a chronic or long-term condition or disability that is incurable; or prenatal care.

⁶ Full-time members of the faculty and staff scheduled to work a nine (9) or ten (10) month work schedule are considered to have satisfied the 1250 hour test on the anniversary of their hire date.

paid vacation time and /or sick time for which they are eligible before taking any unpaid leave. However, staff members do have the option to reserve on (1) week of vacation and one (1) week of sick leave. The remaining time up to twelve (12) weeks is unpaid leave. The total leave including paid and unpaid will not exceed twelve (12) weeks.

Certification: If the leave is for a serious health condition, faculty and staff members are required to provide a certification substantially in the form of Appendix I which includes the date on which the serious health condition in question began for the faculty/staff member or family member; the probable duration of the condition; appropriate medical facts regarding the condition; a statement that the faculty/staff member is needed to care for a spouse, domestic partner, parent or child (along with an estimate of the time required) or that the faculty/staff member is unable to perform the functions of her/his job; and the dates and duration of treatments to be given. Denison may require a second medical opinion from a doctor selected by the university and at the university's expense. If the opinions differ, Denison will furnish a third and final opinion from a mutually acceptable doctor.

Benefits: During the leave, any health insurance benefits that faculty and staff members have elected will be continued in the same manner as before the leave. Participation in other insured programs may be continued as provided by the various staff benefit programs but must be fully paid by the employee (life and long-term disability insurance). Benefits, which are based on length of service and other employment benefits will not be accrued during the leave. Faculty and staff members will be responsible to reimburse Denison for health plan premiums if they fail to return from the leave; except reimbursement is not required if the faculty/staff member fails to return to work because of her/his own family member's serious health condition.

Required Notice: Faculty and staff members must provide a thirty (30) day notice for foreseeable leaves for birth, adoption, or planned medical treatment. If planned medical treatment requires the leave to begin in less than thirty (30) days, as much notice as is practicable must be given.

Returning From Leave: Faculty and staff members return to the same or to an equivalent position upon returning from leave. Pay, benefits and other terms and condition of employment will be the same as prior to the leave; however, faculty/staff in the top 10% of the University's payrolls may be excluded from job restoration rights if reinstatement will cause substantial or grievous economic injury to the University.

Intermittent Leaves: A leave for serous health condition (either of a family member or the faculty/staff member) may be taken intermittently (for a total lost time of no more than the equivalent of twelve (12) weeks during any twelve month period) if medically necessary. However, intermittent leave arrangements for the birth or adoption of a child are not covered by the Act and must be approved by the Provost and/or Director of Human Resources and the relevant Division Head. Faculty/staff members may be required to transfer temporarily to another job for which they are qualified that better accommodates a revised work schedule.

B. Programs at the Discretion of the University

The University may grant the following additional leaves of absence to faculty, administrative staff and support staff who have been employed by the University for at least two (2) years. Leaves for faculty are granted at the discretion of the Provost **in consultation with** the Department Head. Leaves for administrative staff and supportive operating staff are granted at the discretion of the Director of Human Resources **in consultation with** the Department Head. Such leaves are subject to the needs of the department, the ability to replace the faculty/staff member on a temporary basis and overall impact on the operation of the department.

The timing and duration of the leave is determined by mutual agreement between the faculty/staff member and her/his supervisor but not to exceed one (1) year (including any leave authorized under the Family Medical Leave Act). Salary is not continued but participation in group insurance programs may be continued with the payment of the full premium by the employee. All applicable accrued paid vacation time and/or sick time must be used before taking any unpaid leave.

If the leave is for a serious health condition, certification as required by the Family Medical Leave Act for serious health condition applies.

1. To care for a newborn son or daughter¹;
2. To care for a son or daughter placed with faculty/staff member for the purpose of adoption¹;
3. To care for a spouse², domestic partner³, son or daughter or parent⁴ with a serious health condition⁵; and
4. Because of a serious health condition that makes it impossible for the faculty/staff member to perform the functions of his/her job.

Extended leaves of absence may be granted to the faculty/staff member with three possible stipulations upon the end of the leave: guarantee of the same job, guarantee of a similar job, or no guarantee of a job. This will be determined at the time the leave is granted.

Failure to return to work at the end of an approved leave of absence is considered a voluntary resignation.
