

Policy Directory > APS Home > Section 40

# Administrative Policy Statement 45.5

## Family and Medical Leave Act (FMLA) Coverage for University Employees

(Approved by the Provost and Executive Vice President by authority of Executive Order No. 4 and the Vice President for Human Resources by authority of Executive Order No. 9)

Table of Contents

### 1. Policy

In compliance with federal law, eligible University of Washington employees are covered by the Family and Medical Leave Act of 1993 (FMLA) and are entitled to the following:

- Up to 12 workweeks of job-protected leave from work in a 12-month period for the reasons specified in [Title 29 CFR §825.100](#) et. seq. This leave may be taken intermittently or as a reduced work schedule in accordance with [Title 29 CFR §825.202](#).
- The 12-month period the University uses to calculate FMLA leave use is measured using the rolling 12-month period as established in [Title 29 CFR §825.200](#) and as specified on the FMLA websites noted in [Section 7](#).
- Up to maximum of 26 workweeks of job-protected "Service Member Family Leave" during a single 12-month period in accordance with [Title 29 CFR §825.127](#).
- The right to be restored to the position he or she held at the time the leave commenced, or to a position with equivalent employment benefits, pay, and other terms and conditions of employment upon return from FMLA leave, subject to limitations contained in the FMLA. If an employee is eligible to take a combination of both FMLA "Service Member Family Leave" and FMLA leave for another covered reason in a single 12-month period, the combination of FMLA leave taken may not exceed 26 workweeks during that 12-month period.

ADMINISTRATIVE POLICY STATEMENTS (APS)

BOARD OF REGENTS GOVERNANCE (BRG)\*

EMPLOYMENT AND ADMINISTRATIVE POLICIES (EAP)\*

FACULTY CODE AND GOVERNANCE (FCG)\*

PRESIDENTIAL ORDERS (PO)\*

STUDENT GOVERNANCE AND POLICIES (SGP)\*

WASHINGTON ADMINISTRATIVE CODE: TITLE 478 WAC - UW RULES (WAC)

PRINT THIS PAGE

\*Formerly part of the University Handbook

- The continuation of University-paid basic health insurance benefits at University expense during the period of FMLA covered leave for employees who are eligible for coverage at the time of the leave. Employees remain responsible for any optional insurance coverage, other payroll deductions, and insurance copayments.
- Protection from the University interfering with, denying, or otherwise restricting an employee's exercise of, or attempts to exercise, the rights provided by the FMLA. The University may not use an employee's use of FMLA leave as a factor in evaluating job performance or attendance, or as a basis for corrective action.

## **2. FMLA Eligibility**

To be eligible for FMLA leave, an employee must have a record of 12 months of cumulative state of Washington employment and have worked for the state of Washington for at least 1,250 hours, including overtime, in the 12 months immediately preceding the date the FMLA leave will begin. State of Washington employment includes University of Washington employment and employment with other state of Washington agencies. Paid and unpaid leave are not counted as part of the 1,250 hours.

## **3. Requesting FMLA Leave**

An employee must provide at least 30 days' notice before FMLA leave is to begin when the need for the leave is foreseeable. If 30 days' notice is not practicable, for reasons such as inability to determine when leave will need to begin or a medical emergency, the employee must give notice of the need for leave as soon as practicable.

See [Section 7](#) for links to University websites with information on how employees make FMLA leave requests and how employing units respond to them.

## **4. Use of Paid Leave During FMLA-Covered Leave**

The leave guaranteed by the FMLA is unpaid. Employees who accrue or receive paid leave as part of their employment program may be eligible to use available paid leave during FMLA-covered absences, consistent with the terms of the applicable employment programs and/or as provided in a collective bargaining agreement. If an employee uses paid leave during an FMLA-covered absence, the use of such leave runs concurrently with FMLA, and does not extend the length of the leave available.

Employees who do not accrue paid leave (e.g., temporary and student employees), or employees who do not have paid leave available for the absence, are not paid for time while on FMLA leave.

## **5. Certifications of Need for FMLA Leave and Return to Work**

### **A. Health Care Provider Verification**

The FMLA permits the University to obtain health care provider verification of the medical facts relating to an employee's absence and it specifies the manner in which the University may obtain such

verification. The University has developed health care provider verification forms and processes to comply with FMLA regulations. Units seeking health care provider verification for leave covered by the FMLA may do so only by using the University-authorized forms and processes (see [Section 7](#) for links to information about health care provider and verification forms). The University may also seek periodic health care provider recertification to support the need for continuing leave.

Information the University receives about an employee's or an employee's family member's medical condition is kept confidential and separate from an employee's personnel file. Contact [Academic Human Resources](#) or [Human Resources Operations](#) for guidance on this requirement.

#### **B. Additional Health Care Provider Opinions**

The University may require employees to obtain a second opinion by a provider of the University's choice at its expense. If the first and second opinions conflict, the University may pay for a third and final health care provider to offer an opinion which shall determine the employee's FMLA-leave eligibility.

#### **C. Military Status**

The University may require verification of a family member's call to active duty status or a family member's status as a covered service member who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or who is otherwise on the temporary disability retired list for a serious injury or illness. In the latter case, the same medical confidentiality provisions apply as in [Section 5.a](#) above.

#### **D. Return to Work Certification**

As a condition for returning to work from FMLA leave, the University may require an employee to provide a fitness-for-duty certification from the employee's health care provider regarding the health condition(s) that caused the employee to take FMLA leave.

### **6. FMLA Definitions**

The meaning of terms used in the policy are as provided in the definitions section of the FMLA regulations ([Title 29 CFR §825.102](#)) and as otherwise provided in the FMLA regulations, except for "family member" for which the University uses the following expanded definition:

**Family member** means the employee's spouse or same or opposite sex domestic partner, child, parent, grandparent, grandchild, sister, or brother. Family member also means individuals in the following relationships with the employee's spouse or domestic partner: child, parent, or grandparent. It also includes those persons in a "step" or "half" relationship.