

**Florida A & M University
Office of Human Resources**

HR OPERATING POLICY-PROCEDURE

Procedure No. HR-3006

Subject: Parental Leave of Absence	
Authority: Family and Medical Leave Act of 1993; Title 29, Part 825, Code of Federal Regulations; Chapter 110.221, Florida Statutes; FAMU Board of Trustees Policy 2005-23	Effective Adopted Date: 07/01/1999
Revision(s)	06/27/1996; 3/30/2017
Related References	
Purpose	To establish a standard operating procedure for the administration of Parental Leave under the Family and Medical Leave Act (FMLA)
Signature of Approving Authority	

1.0 General Information

Florida Agricultural and Mechanical University (FAMU) recognizes that during an employee's career, circumstances may arise which require prolonged or intermittent absence from work due to medical reasons. The Family & Medical Leave Act (FMLA) is a benefit that allows qualified employees to have up to 12 workweeks of leave per fiscal year. FMLA allows eligible employees to take unpaid, job-protected leave for a qualifying circumstance.

2.0 Responsibilities

- A. *Employees* are responsible for collaborating with supervisors or designees and the FMLA Coordinator to determine eligibility for FMLA leave, meeting FMLA leave deadlines and reporting restrictions, and complying with the requirements of this operating procedure.
- B. *Supervisors, Deans and Directors* are responsible for facilitating compliance with this operating procedure, communicating requirements to employees, working with eligible employees to schedule qualifying FMLA leave, submitting leave requests to the FMLA Coordinator and ensuring FMLA leave has been coded accurately.
- C. *FMLA Coordinator* is responsible for ensuring compliance with FMLA rules and regulations, monitoring employees FMLA leave balances and reviewing for accuracy, training the campus community on FMLA where necessary, answering questions and distributing forms to employees who may need FMLA leave.

3.0 Definitions

- A. **Parental Leave of Absence** – An employee can be provided a leave of absence for up to six (6) months of unpaid leave for the birth of a child, to care for a newborn child within one year of birth or the placement of a child for adoption, foster care, and/or to care for the newly placed child within one year of placement.

- B. **Health Care Provider** – A physician, dentist, podiatrist, clinical psychologist, or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.
- C. **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.
- D. **Son or daughter/child** – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.
- **Incapable of self-care:** The individual requires active assistance or supervision to provide daily self-care in three or more of the Activities of Daily Living (ADLs) or Instrumental Activities of Daily Living (IADLs). ADLs include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. IADLs include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
 - **Physical or mental disability:** A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
 - **In loco parentis:** Individual responsible for the day-to-day care and supports a child financially, or, in the case of an employee, who is responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- E. **Parent** – A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”
- F. **Adoption** – Legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (*e.g., whether from a licensed placement agency or otherwise*) is not a factor in determining eligibility for FMLA leave. See §825.121 for rules governing leave for adoption.

4.0 FMLA Parental Leave Entitlement

1. An employee may be granted an unpaid leave of absence not to exceed six (6) months when the employee becomes a biological parent or a child is placed in the employee’s home pending adoption.
2. A parental leave of absence is eligible for FMLA protection if an employee meets the requirements below:
 - Faculty, A&P, USPS and OPS employees must be employed with the University for at least twelve (12) months (*need not be consecutive months*).
 - Employee must have worked at least 1,250 hours in the twelve (12) month period immediately preceding the leave request.
3. If the employee meets both of the above requirements the employee is eligible, upon request, for twelve (12) weeks of unpaid parental leave under the provisions of the FMLA. The first 12 workweeks of parental leave will be considered entitlement under FMLA. In no case shall parental leave extend beyond six months.
4. All periods of time worked during the 12-month period preceding commencement of leave count for purposes of meeting the 1,250 hours requirement.

5.0 FMLA Parental Leave

1. The period of parental leave shall begin no more than two (2) weeks before the expected date of the child's arrival unless otherwise approved by the supervising physician and no later than twelve months after the arrival of the child.
2. The employee may choose to use paid leave, unpaid leave, or a combination of paid and unpaid leave. In addition, accrued personal holiday and compensatory leave may be used during the parental leave.
3. The employee will be responsible for reporting FMLA leave by using the following time reporting codes for sick leave **FMLAS** and annual leave as **FMLAA** in iRattler.
4. The employee is responsible for notifying the Benefits Office in Human Resources to arrange for payment of employee contributions of health, life or any other insurance premiums.

6.0 Procedures

1. Employee must submit a leave of absence request to their supervisor or designee. Faculty should submit the request to their department chair or dean.
2. The form can be located on the Office of Human Resources main webpage. Please select the Parental Leave of Absence Request form.
3. Once appropriate signatures have been obtained, please submit the form to Time & Labor Administration in the Office of Human Resources to determined eligibility.
4. Upon receipt, the FMLA Coordinator will be responsible for:
 - Reviewing and confirming that the employee meets the eligibility requirements; and
 - Determining if the reason for FMLA leave is for an FMLA qualifying reason; and
 - Providing the employee with a letter of Notice of Eligibility, Rights and Responsibilities within five business days from receipt of leave of absence request.
5. If eligible, the employee will be required to have their health care provider complete a medical certification form and submit to HR within fifteen (15) calendar days from receipt of the Notice of Eligibility, Rights and Responsibilities. The medical certification must support the need for FMLA leave.
6. Once the employee's supporting documentations has been reviewed, the employee will be notified in writing whether the leave has been designated as FMLA.
7. The designation notice will state the amount of leave counted against the employee's FMLA leave entitlement, advising the employee that prior to returning to work a fitness-for-duty certification is required and whether additional information is needed to determine if your FMLA leave request can be approved.

6.0 Records

1. The Office of Human Resources is responsible for documenting and maintaining for three (3) years, records of paid and unpaid FMLA leave and reduced work schedules related to the FMLA.
2. FMLA requires that Human Resources must keep the following records pertaining to their obligations:
 - Basic payroll and identifying employee data, including name, address, occupation, rate or basis of pay and terms of compensation, daily and weekly terms of hours worked per pay period, additions

to or deductions from wages, and total compensation paid. Hours worked records need not be kept for employees who are not covered by or are exempt from Fair Labor Standards Act.

- Dates FMLA leave are taken by employees and designated in records as FMLA leave. This includes written record of intermittent or reduced leave schedules
- If FMLA leave is taken in increments of less than one (1) full day, the hours of the leave.
- Copies of employee request for leave furnished to the Human Resources and copies of all supporting documents and specific notices given to employees.
- Any documents (including written and electronic records) describing employee benefits or policies and practices regarding the taking of paid and unpaid leaves.
- Premium payments of employee benefits.
- Records of any dispute between FAMU and an employee regarding designation of leave as FMLA leave.

7.0 Violations

Violations of these procedures will subject employees to discipline, up to, and including discharge from employment with Florida Agricultural & Mechanical University.