

TRUMAN
STATE UNIVERSITY

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AGENDA

1. Legal Requirements (FMLA)
2. Current Leave Entitlements
3. Considerations for Policy Changes

FMLA Overview

- The Family and Medical Leave Act of 1993 is a federal law requiring covered employers to provide employees with **job-protected, unpaid leave** for **qualifying medical and family reasons**.
- States may enact their own family and medical leave laws, which may include paid leave. Missouri has not enacted such a law.
- FMLA entitles employees to up to 12 weeks of leave, job restoration, continuation of benefits, and job protection. Employers may provide more than 12 weeks of leave, but the law requires a minimum of 12.
- Leave will be designated as FMLA leave if the employee is eligible and the leave is for an FMLA qualifying reason. Employees do not choose whether to designate leave as FMLA leave.

Eligibility

Employees are eligible to take FMLA leave if they:

- Work for a covered employer;
- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave; and
- Work at a location where the employer has at least 50 employees within 75 miles.

Leave Entitlement

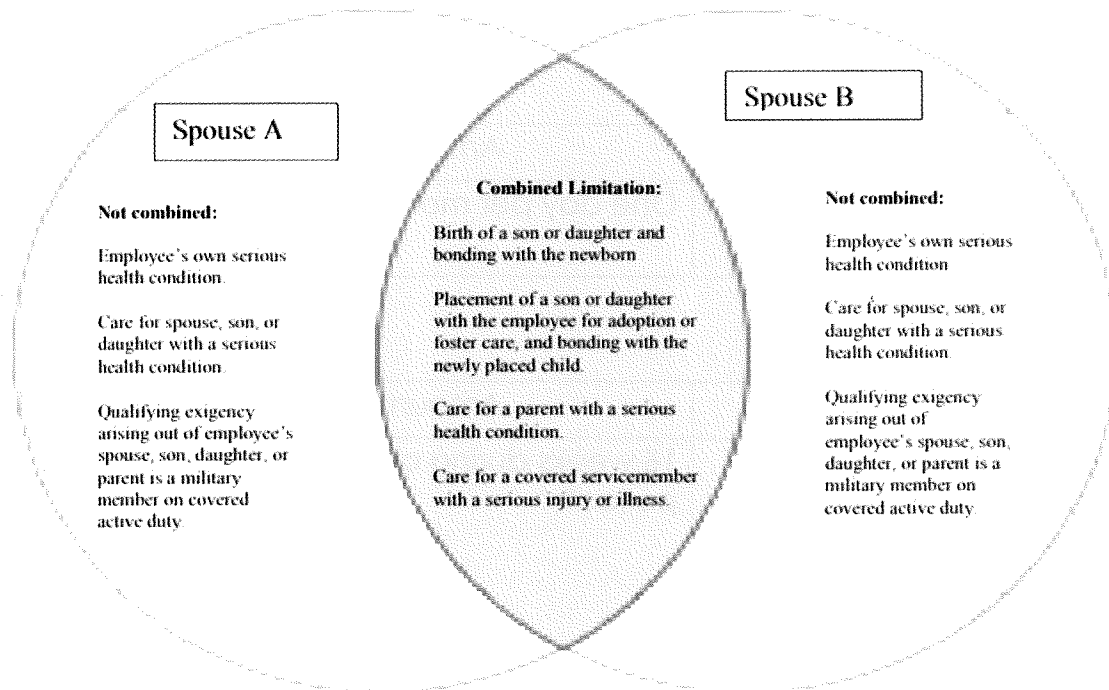
Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- For a serious health condition (including pregnancy and childbirth) that makes the employee unable to perform the essential functions of his or her job;
- To care for a child within one year of birth or placement;
- To care for a spouse, child, or parent who has a serious health condition; or
- Active military service of a spouse, child, or parent is a military member on covered active duty.

Combined Leave Limitations

When both parents work for the same employer, FMLA limits the amount of leave that can be taken by both parents for certain reasons.

Combined Limitation Chart



Substitution of Paid Leave

FMLA allows employers to require employees to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. If substitution is required it must be specified in the employer's leave policies. **Truman requires substitution of paid leave.**

For example, if you an employee is out for one week recovering from surgery, and they have two weeks of paid vacation saved up, the employee will be required to use one week of vacation time for FMLA leave. Paid leave for an FMLA-covered reason is still protected by the FMLA.

Truman's Leave Policies

Unlike FMLA, employers are not legally required to provide sick, vacation, or other paid leave. Employer paid leave policies do not entitle employees to job protection or restoration to the same or equivalent following leave.

Staff

Medical (Sick) Leave

Purpose	Amount	Paid or Unpaid
Employee's illness, including a serious health condition	One day per month of service	Paid

Family Leave

Purpose	Amount	Paid or Unpaid
Care for newborn or placement of a child with the employee for adoption (must be taken within one year of birth or adoption) OR Care of the employee's spouse, child, or parent with a serious health condition	16 weeks during any 12-month period* *for leave related to childcare, if the University employs both parents, the combined leave is limited to 16 weeks	Unpaid** ***"with pay, to the extent of accumulated leave"

Vacation

Purpose	Amount	Paid or Unpaid
Any	10-20 working days per year (depending on employee classification and years of service)	Paid

Faculty

Medical (Sick) Leave

Purpose	Amount	Paid or Unpaid
Employee's illness, including a serious health condition	<p>If hired after December 1, 2015: 9 days per academic year</p> <p>If hired prior to December 1, 2015: 60 days, plus 9 days per academic year</p>	Paid

Family Leave

Purpose	Amount	Paid or Unpaid
<p>Care for newborn or placement of a child with the employee for adoption (must be taken within one year of birth or adoption)</p> <p>OR</p> <p>Care of the employee's spouse, child, or parent with a serious health condition</p>	<p>One semester during any 12-month period*</p> <p><i>*for leave related to childcare, if the University employs both parents, the combined leave is limited to 16 weeks</i></p>	<p>Unpaid**</p> <p><i>**"with pay, to the extent of accumulated leave"</i></p>

Considerations for Policy Changes

1. Are we advocating for more “parental leave,” “family leave,” or “family and medical leave” and how do we define those terms?
2. Faculty and staff have different types and amount of leave and different needs.
3. Paid FMLA or increase paid leave that can be used for FMLA qualifying reasons? For example, if we increase paid sick leave for faculty, employees will have more paid time off for pregnancy and childbirth than they will for bonding/childcare.
4. Need to be mindful of legal/equity considerations regarding male and female employees, and parents who adopt or foster children.