

Effective Date: **June 1, 2015**

**POLICY**

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**EMPLOYMENT**

# **Employee Handbook – Section 312 Family and Medical Leave (FMLA)**

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RESPONSIBLE OFFICE

**Human Resources**

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## **312 Family Medical Leave.**

This policy incorporates the provisions of the Family and Medical Leave Act (FMLA) with policies and benefits that were available to eligible Boston University employees before the act was passed.

### **312.2 Eligibility**

All regular full-time and regular part-time employees who work at least 1250 hours over the previous twelve months.

### **312.3 Length of Leave**

Family and Medical Leave may be approved for a maximum of twelve weeks in a twelve-month period. For purposes of this policy, a “rolling” twelve-month period will be used, measured backward from the date an employee uses any family and medical leave.

In the case of the serious health condition of the employee or the employee’s family member, an employee may request leave for a continuous period, intermittent periods, or by a reduced work schedule, to a total of twelve weeks. Leave to care for a well newborn child or newly adopted child should normally be taken in continuous periods and must be taken within twelve months of the birth or placement of the child. Intermittent leave or reduced work schedules may be arranged only if agreed to and approved by the department supervisor.

### **312.4 Sick Leave Use**

During the first eight weeks of Family and Medical Leave for female employees for the purpose of pregnancy and childbirth, available accrued Sick Leave will be applied. If the employee or the child remains medically incapacitated beyond the eight-week period, with approved medical documentation, available accrued Sick Leave will be applied.

All available accrued Sick Leave must be utilized during the period of Family and Medical Leave for the employee’s own serious illness. When available Sick Leave is exhausted, accrued Vacation Leave, available Personal Days, and available Compensatory Time Off must be utilized. When available paid absences are exhausted, the balance of the leave will be unpaid.

Employees may utilize available accrued Sick Leave for the care of an ill member of the immediate family (spouse, parents, children).

### **312.5 Vacation Leave, Personal Days, Compensatory Time Off Use**

While on a Family and Medical Leave, and Sick Leave is not allowable, not available, or not selected, an employee must use accrued Vacation Leave, available Personal Days, and available Compensatory Time. When available paid absences are exhausted, the balance of the leave will be unpaid.

### **312.6 Requests and Approvals**

When Family and Medical Leave is foreseeable, an employee must give thirty (30) days' notice; otherwise an employee must give as much notice as possible. The University has the right to designate absences as Family and Medical Leave for qualified events.

An employee is responsible for submitting a completed Boston University Staff Request/Notification for Leave form(HR form LOA) to his or her immediate supervisor. Copies of this form are available from the supervisor, Human Resources or the Human Resources website in the Forms section. The supervisor is responsible for forwarding this form to Human Resources. Human Resources will be responsible for approving the leave and for notifying the employee in writing regarding the conditions and terms of the leave.

When a leave is for a serious health condition for the employee, entitlement to the leave may be subject to medical verification concerning the medical condition of the employee.

When a leave is for a serious health condition for the employee's family member, entitlement to the leave may be subject to medical verification concerning the medical condition of the employee's family member and certification that the employee's presence is necessary or would be beneficial for the family member's care.

When a leave is for adoption or the foster care placement of a child, entitlement to the leave may be subject to the employee providing the University with appropriate documentation of the qualifying event.

When a leave is for a "qualifying exigency" sufficient certification must be provided:

- A copy of the covered service member's active duty orders;
- Other documentation from the military certifying that the covered service member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation.

Sufficient certification also includes any available written documentation that supports the need for leave including a copy of a meeting announcement for information briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs.

### **312.7 Conditions of Re-employment**

An employee on an approved Family and Medical Leave for twelve weeks or less is entitled to return to the same or similar position without loss of the benefits for which he or she was eligible on the date the leave commenced.

An employee who fails to return to work by the expected return date will be considered to have resigned voluntarily from the University.

### **312.8 Small Necessities Leave Act**

In accordance with Massachusetts law, the University provides twenty-four (24) hours of “small necessities” leave in a twelve-month rolling period to all eligible employees for the purpose of:

1. Participating in school activities directly related to the educational advancement of a child of the employee; such as parent-teacher conferences or interviewing for a new school;
2. Accompanying a child of the employee to routine medical or dental appointments; or
3. Accompanying an elderly relative of the employee to routine medical or dental appointment or appointments for professional services related to the elder’s care.

Employees are eligible for small necessities leave if they have completed twelve months of service prior to commencement of the leave and who work at least 50% of the regularly scheduled workweek in the twelve months prior to the leave and have not taken twenty-four hours of small necessities leave in the twelve months prior to the commencement of the leave.

When taking “Small Necessities Leave, an employee must use accrued Vacation Leave, accrued Sick Leave (where appropriate), available Personal Days and available Compensatory Time Off. When available paid absences are exhausted, the balance of the leave will be unpaid.

Employees are asked to give at least one week notice to their immediate supervisor if the need for this leave is foreseeable. If leave is unforeseeable, the employee must give as much notice as is practical under the circumstances. Departments may require that leave request be supported by certification.

## 312.9 Related Policies

- 301 [Vacation Leave](#)
- 302 [Sick Leave](#)
- 303 [Personal Days](#)
- 309 [Compensatory Time Off](#)
- 313 [Unpaid Time Off](#)
- 314 [Leave of Absence—Medical \(unpaid\)](#)
- 315 [Leave of Absence—Personal \(unpaid\)](#)

[318 Paid Family and Medical Leave](#) – effective January 1, 2021

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THIS POLICY STATEMENT IS PART OF THE [EMPLOYEE HANDBOOK](#), AND SHOULD BE READ IN CONJUNCTION WITH ALL OF THE POLICIES THAT COMPRISE THE HANDBOOK. THE PROVISIONS OF THE EMPLOYEE HANDBOOK DO NOT CONSTITUTE AN EMPLOYMENT CONTRACT AND DO NOT ALTER THE AT-WILL STATUS OF AN EMPLOYEE.

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END OF POLICY TEXT

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## Additional Resources Regarding This Policy

### Related Policies and Procedures

- [Employee Handbook Policies Manual](#) (staff)
  - [301 Vacation Leave](#)
  - [302 Sick Leave](#)

- [303 Personal Days](#)
- [309 Compensatory Time Off](#)
- [313 Unpaid Time Off](#)
- [314 Leave of Absence – Medical \(Unpaid\)](#)
- [315 Leave of Absence – Personal \(Unpaid\)](#)
- [318 Paid Family and Medical Leave](#) – effective January 1, 2021
- [Faculty Handbook](#) (faculty)

## Related BU Websites

- [Human Resources](#)
  - [HR Policies](#)
  - [Manager Resources](#) - HR Website
    - [Leaves of Absence](#)

Categories: Employment, Non-Represented Staff Keywords: Employee Handbook, FMLA, relief, time-off, timeoff