

## ER 09 UNIVERSITY OF PITTSBURGH POLICY (formerly 07-07-02)

**CATEGORY:** PERSONNEL  
**SECTION:** Employee Leave Benefits  
**SUBJECT:** Leave Under the Family and Medical Leave Act for Staff  
**EFFECTIVE DATE:** March 20, 2013  
**REVISED DATE:** January 17, 2024  
**PAGE(S):** 3

### I. SCOPE

This policy establishes family, medical, and military family leaves of absence for staff in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended. Regular full- and part-time staff members who have worked for the University for at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period are eligible for this benefit. The 12-month period is determined by counting backward from the date a staff member uses any family or medical leave. Position reinstatement rights may not be available to key employees in certain circumstances as defined by the FMLA.

### II. POLICY

The Office of Human Resources (OHR) is responsible for administering benefits under the Family and Medical Leave Act and will provide information, upon request, concerning staff member rights and responsibilities.

#### Basic Leave Entitlement

Eligible staff members are entitled to a total of up to 12 work weeks of guaranteed leave without pay during any 12-month period for one or more of the following:

- Birth, adoption, or care of a newborn child of the staff member, or placement of a foster child with the staff member
- Care of an immediate family member with a serious health condition or because the staff member's own serious health condition renders the staff member incapacitated from performing the functions of their job

Immediate family members include parents, biological or adopted children, spouse, or domestic Partner. The term parent refers to a biological, foster or adoptive parent, a stepparent, or legal guardian. For medical leave, child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under age 18, or age 18 or older and "incapable of self-care" as defined pursuant to FMLA regulations.

#### Military Family Leave Entitlements

Eligible staff members are also entitled to up to 26 weeks of unpaid servicemember family leave for one 12-month period to care for a covered servicemember, if the staff member is the spouse, domestic partner, son, daughter, parent or next of kin to the covered servicemember. Such servicemember family leave shall only be available during a single 12-month period. Combined total leave under the Family and Medical Leave Act is limited to a total of 26 weeks

during the single 12-month period beginning with the first day of use of servicemember family leave.

Covered servicemember means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in out-patient status, or is otherwise on the temporary disability retired list, for a serious injury or illness as defined in the FMLA. Covered servicemembers also include covered veterans.

In addition, eligible staff members with a spouse, domestic partner son, daughter, or parent on covered active duty or called to covered active-duty status in the Regular Armed Services, National Guard, or Reserves, in support of a contingency operation, may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, or attending post-deployment reintegration briefings.

For further details, see: <https://www.hr.pitt.edu/current-employees/benefits/leaves-abs/fmla>

### Use of Leave

Medical leave, defined as care for oneself or care for a family member, following a qualifying exigency leave and servicemember family leave, may be used on an intermittent basis. However, leave taken for the birth, adoption, or care of a newborn child or placement of a foster child with the staff member cannot be taken intermittently. If a husband and wife are both eligible for FMLA leave and are both employed by the University, they are limited to a combined total of 12 weeks of leave during any 12-month period, if the leave is taken for: (1) the birth of the employee's child or to care for a child after birth; or (2) placement of a child with the employee for adoption or foster care, or to care for a child after placement. Spouses or domestic partners who are both employed by the University are limited to a total of 26 weeks for servicemember family leave. If leave taken by the spouses or domestic partners includes non-servicemember family leave under the FMLA, the non-servicemember family leave portion of the leave may also be restricted as described above.

### Notice to the University

If the reason for requesting leave under the Family and Medical Leave Act is foreseeable, the staff member is required to provide no less than 30 calendar days' notice of intent to take the leave. If the need for the leave is unforeseeable, notice as soon as is practicable is required.

### Medical Certification

The staff member must submit to the University's third-party provider the required certification or verification for the type of FMLA leave requested. Such certification or verification must be provided within 15 days of its request by the third-party provider.

If the staff member fails to submit the required certification or verification in a timely manner, the staff member may not be approved to use leave under the FMLA, thereby jeopardizing the staff member's employment status. In accordance with provisions of the Family and Medical Leave Act, the University reserves the right to obtain additional medical opinions.

### Use of Sick, Vacation, and Personal Days

A staff member must use all accrued sick days, but may elect to use any or all accrued vacation and personal days, for all or part of the approved leave period. Consistent with the FMLA, accrued vacation, personal, or sick days cannot be used to extend the protected leave. While on unpaid leave, the staff member does not accrue vacation or sick time. Similarly, during a month in which the staff member uses accrued leave to receive a full month of pay during the leave, the staff member does not accrue vacation or sick time.

#### Continuation of Medical Insurance Benefits

During the approved leave, the University will continue to pay its share of medical insurance premiums. If the staff member does not return to the University at the end of an approved unpaid leave, the staff member must repay to the University premiums paid on behalf of the staff member. Recovery of premiums will be made consistent with the Family and Medical Leave Act.

#### Life and Disability Insurance Benefits

The staff member may elect to continue life and disability insurance by assuming payment of the total premium for the benefit for the duration of the leave.

#### Return to Work

Prior to being restored to employment, a staff member whose FMLA leave was caused by the employee's own serious health condition, may be required to provide a written fitness-for-duty certification signed by their healthcare provider. Upon return from approved leave under the Family and Medical Leave Act, a staff member will be restored to the previously held or an equivalent position with the same benefits and pay, effective the date of the staff member's return to work.

#### Extending a Family or Medical Leave

A staff member unable to return to work at the end of leave under the Family and Medical Leave Act may request an extension of the leave for a period of up to an additional 60 workdays. The University does not continue to pay its share of medical insurance premiums during this extended leave. In addition, the University does not guarantee a staff member's position beyond the maximum leave period provided by the Family and Medical Leave Act unless otherwise required by law. The total leave cannot exceed 120 days, unless the staff member is legally entitled to a longer extended leave of absence.

### **III. REFERENCE**

[Procedure 07-07-02, Leave Under the Family and Medical Leave Act for Staff](#)