



POLICY RESOURCES

Human resources services are provided to Marshall University Research Corporation by Marshall University Human Resource Services
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Applies to:	Marshall University Research Corporation (MURC)
Title:	Benefits – Family and Medical Leave Act (FMLA) Leave
Number:	37
Effective Date:	10/01/06
Last Revision Date:	

Marshall University Research Corporation (MURC) complies with the applicable provisions of the federal Family and Medical Leave Act (FMLA). FMLA provides up to 12 weeks per calendar year of unpaid leave to eligible employees if necessary for (1) the birth of a son or daughter and to care for the newborn child; (2) the placement with the employee of a child for adoption or foster care and to take care of the newly-placed child; (3) care for an immediate family member (spouse, child, or parent) with a serious health condition; or (4) for the employee if unable to work because of a serious health condition. FMLA leave may be taken either continuously or intermittently according to the circumstances and/or the directions of the employee or the family member’s healthcare provider.

Employees are eligible if they have worked for a covered employer for at least one year (for at least 1,250 hours over the previous 12 months). Additionally, eligibility is extended to employees in locations where there are at least 50 MURC employees within 75 miles of the employee’s work location.

Employees in the following employment classifications are eligible to request medical leave as described in this policy:

- Full-Time
- Part-Time A

See MURC human resources policy and procedure 3, Employment Categories, for an explanation of the categories.

For eligible employees health insurance benefits may be continued during the term of approved FMLA leave. Premium payments continue to be made in the same manner as when the employee is in active pay status (i.e.- the employee continues to pay his/her portion of the group health insurance premium, and MURC continues to pay the employer’s portion of the group health insurance premium). Accruals of annual leave and sick leave and pay for designated holidays are suspended during an approved FMLA leave. Accrual of annual leave and sick leave and pay for designated holidays resume when the employee returns to active pay status.

Employees are advised of the availability of leave under the provisions of the FMLA and of the corporation’s commitment to comply with the statute. In cases where an employee has been taking paid sick leave, is at risk of running out of accrued leave, and continues to be ill or injured or to deal with illness or injury of a member of the immediate family, the employee’s supervisor or Human Resource Services has a responsibility to advise the employee about the potential availability of leave under FMLA. The employee has a specific responsibility, however, to request FMLA leave if he/she wishes to use such leave.

An employee may request leave under FMLA by completing and submitting to Human Resource Services a copy of the Request for Family or Medical Leave form available on the Human Resource Services

MURC web portal at: <http://www.marshall.edu/human-resources/murc/>. Click Resources, then Forms to navigate to the forms page.

Leave is officially designated as FMLA leave by action of the Director, Human Resource Services, by completing and providing to the employee a copy of the Designation of Leave as Family or Medical Leave form. The designation of leave as FMLA leave is an official act of Human Resource Services in behalf of MURC, and the effective date of such designation of leave is related to the approval of such leave and is not related to whether or not accrued sick leave and/or annual leave exists or whether the employee chooses to use or not use such accrued leave.

In order to inform the employing office or unit of the action taken to approve leave as FMLA leave, the Director, Human Resource Services, or his/her designee, completes and submits to the employing office or unit a copy of the Notification of Leave Status form.

The employee who requests and is approved for FMLA leave must cause to be submitted to Human Resource Services a properly completed copy of the Healthcare Provider's Certification of Need for Family or Medical Leave. As stated on the Designation of Leave as Family or Medical Leave form, the Healthcare Provider's Certification form must be completed and returned to Human Resource Services within 15 calendar days of the date of designation of leave as FMLA leave. This form is also available on the Human Resource Services MURC web portal at the above web address.

The FMLA statute provides for up to 12 weeks of *unpaid* leave in a calendar year. However, FMLA leave does not have to be unpaid depending upon the circumstances. Leave-accruing employees who have a positive balance of sick leave and/or annual leave may elect to use such leave until it is exhausted and then go on unpaid FMLA leave. Alternatively, if an employee wishes to preserve some or all of his/her balance of sick leave and/or annual leave and participate in FMLA leave on an unpaid basis, they may do so. In general, the welfare of the employee is enhanced if they continue to receive pay, so Human Resource Services tacitly recommends that employees use accrued leave to the extent possible. The final decision about whether or not to use accrued sick leave and/or annual leave rests with the employee.

Employees returning from FMLA leave (either returned to work consistently from full-time absence or part-time/intermittent absence) must submit a health care provider's statement indicating either the employee may return to work with no limitations or with stated limitations that MURC will carefully evaluate.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities. See MURC human resources policy and procedure, 27, Benefits – Workers' Compensation Coverage, for details.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave is requested to provide MURC with at least two weeks advance notice of the date the employee intends to return to work if their date of return is not already sufficiently clarified. When an FMLA leave ends, the employee will be reinstated to the same position if it is available or to a position equivalent in compensation and benefits for which the employee is qualified.

If an employee fails to report to work promptly at the end of FMLA leave, is not hindered from doing so due to circumstances beyond the employee's control, does not communicate their delay and does not provide a reason for the failure to return to work as scheduled, it will be presumed that the employee has resigned their employment.

HUMAN RESOURCE SERVICES POLICIES AND PROCEDURES PROVIDED FOR MARSHALL UNIVERSITY RESEARCH CORPORATION (MURC) APPEAR ON THE MURC WEB SITE. TO NAVIGATE TO THE HUMAN RESOURCES POLICIES AND PROCEDURES, PLEASE CLICK **HUMAN RESOURCES** ON THE MURC HOME PAGE AT <http://www.marshall.edu/murc/>. MARSHALL UNIVERSITY HUMAN RESOURCE SERVICES PROVIDES HUMAN RESOURCES SUPPORT TO MURC. THIS POLICY IS COPYRIGHTED BY MARSHALL UNIVERSITY. FOR ANY QUESTIONS ON THIS POLICY, PLEASE CONTACT HUMAN RESOURCE SERVICES AT THE ADDRESS AT THE TOP OF THIS POLICY.