

## FAMILY/MEDICAL LEAVES

### I. General Policy

**This policy applies to staff members who are eligible for benefits**

#### **How are family/medical leaves requested and approved?**

Leaves of absence for medical reasons (including pregnancy) are granted for the period of time an individual is declared unable to work by his or her physician. The individual or his or her authorized representative may request the leave. A leave may also be initiated by the appropriate supervisor or department chair/director.

Family leaves, which may be limited to 12 weeks in any 12-month period, will be provided if requested for the birth of a child of the employee, the placement of a child with the employee for adoption or foster care, in order to care for a seriously ill member of the employee's immediate family (spouse, son, daughter, or parent), and the extension of a medical leave in which case the 12-week limit may be applied to the entire period of absence. In the case of family leave to care for an ill family member, a physician's statement may be required. The University uses the individual's current anniversary date of hire in a benefits-eligible status to calculate the 12-month period.

Approval of the leave is recommended by the employee's supervisor, department chair or director for action by the dean or other appropriate administrative officer in consultation with the director of Human Resources. For approval of a medical leave, the University requires a physician's statement specifying the date the individual first became unable to work and the anticipated date for return to work. Employees are eligible for medical leaves from date of hire.

If the medical leave is a consequence of an injury related to work for Rice University, the conditions of medical leave are the same as those stated above, except that Workers' Compensation Coverage stands in place of short-term disability payments of salary. Rice will, however, continue to provide the same fringe benefits that an employee receiving short-term disability pay would receive.

#### **How does family/medical leave affect pay?**

Family leaves are unpaid, although staff may draw upon available benefit time. For medical leaves, staff may draw upon available benefit time and short-term disability pay according to the provisions of the short term disability program. The portion of the absence covered by available benefit time and short-term disability is paid leave. As soon as applicable benefit time and short-term disability pay are used up, the leave is called unpaid leave.

#### **How does family/medical leave affect insurance?**

For those enrolled in a University group insurance program, the University will continue to pay its usual share of insurance premiums for up to 12 months. During this time, the individual is responsible for his or her usual contributions to insurance premiums. Failing to pay premiums while on leave may result in loss of insurance.

Except for the first 12 weeks of a medical leave, the period during which the University continues to share benefit costs with employees shall be considered part of the eligibility period established by the Congressional Omnibus Budget Reconciliation Act of 1985 and later Amendments for the purpose of continuation of health insurance benefits.

#### **When and how may an employee return to work after a family/medical leave?**

For family leave, the staff member is expected to return at the conclusion of the agreed-upon period of absence. In the case of medical leave, return to work depends on the University's receiving a physician's statement authorizing the return. The University may require status reports including evaluations (at Rice's expense) of the employee's health by a physician of the University's choice. If the report is not submitted

within 15 calendar days after the request, or if it indicates that the employee is able to return to work, the medical leave is ended. In disputed cases, the opinion of a third health care provider jointly selected by the employee and the University will prevail.

**Who fills a position during a family/medical leave?**

Generally, other staff members may be asked to do the work of the individual on leave. However, if the position is to be filled, reasonable efforts will be made to fill it with temporary or casual, on-call personnel.

**Is reinstatement guaranteed after a family/medical leave?**

The University attempts to place employees returning from family/medical leave in the same or an equivalent position of employment. Staff members whose medical leave, family leave, or medical leave in combination with family leave does not exceed 12 weeks will be returned to the same or an equivalent position. Other than this exception, the University does not guarantee reinstatement at the end of a medical or family leave.

**How may the leave be taken?**

The Family and Medical Leave Act of 1993 permits medical leave or family leave to care for a seriously ill member of the employee's immediate family to be taken on an intermittent basis or through a reduced work schedule. Time taken is applied against the 12-week limit. If an eligible employee requests irregularly scheduled leave or leave on a reduced schedule (one that is foreseeable based on planned medical treatment), the University may require the employee to transfer temporarily to an available alternative position that is equivalent in pay and benefits and for which the employee is qualified.

**How is termination of employment related to medical or family leaves?**

Employees are expected to report for work when they are not on leave status. Employment will be terminated if,

- the individual resigns,
- the individual fails to report for work when not on leave,
- at the time the individual is able to return to work and prior to the expiration of the 12-week period,
- the employee refuses the equivalent position that has been offered,
- after a leave of more than 12 weeks,
- a disabled employee with accommodations (that are not an undue burden) is unable to perform the essential functions of the job or to perform his or her duties in a manner that would not endanger the health and safety of the employee or of others.

**How are decisions about leaves appealed?**

Administrative decisions relating to leaves of absence may be appealed through the problem-solving procedure available to employees.

**II. Responsible Official and Key Offices to Contact Regarding the Policy and its Implementation**

Responsible Official: Vice President for Administration  
Key Offices: Human Resources

See also:

- [Benefit Time](#)
- [Personal Leaves](#)
- [Short-Term Disability](#)
- [Workers' Compensation](#)
- [Procedures for Family/Medical Leave](#)

Policy History

Clerical Change: January 19, 2018

Supersedes:

Policy No. 417-93

Policy Memorandum No. 401-82