



## Family Medical Leave Act (FMLA)

**Policy Type:** Institutional Wide  
**Policy Owner:** Human Resources  
**Policy Collaborators:** General Counsel  
Finance & Administration

**Origination Date:** July 1, 2007  
**Effective Date:** June 1, 2024

*Butler University, founded on ideals of equity and academic excellence, creates and fosters a collaborative, stimulating intellectual learning environment. We are inspired to boldly innovate and broadly educate, enriching communities and preparing all learners to lead meaningful lives.*

## POLICY REQUIREMENTS and IMPORTANT NOTES:

The University provides eligible employees with leave from work consistent with the provisions of the Family and Medical Leave Act of 1993 (FMLA). The Family and Medical Leave Act of 1993, updated January 16, 2009, entitles employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

An eligible employee is one who:

1. Works for a covered employer,
2. Has worked for the employer for at least 12 months as of the date the FMLA leave is to start,
3. Has at least 1,250 hours of service for the employer during the 12-month period immediately before the date the FMLA leave is to start and
4. Works at a location where the employer employs at least 50 employees within 75 miles of that worksite as of the date when the employee gives notice of the need for leave.

### 12 Months of Employment

The 12 months of employment do not have to be consecutive:

- Part-time, temporary, or seasonal work generally counts towards the 12 months of employment;
- If an employee is maintained on the payroll for any part of a week, that week counts as a week of employment;
- Any combination of 52 weeks equals 12 months, and
- If the employee has a break in employment that lasted seven years or more, the employer is not required to count the time worked prior to the break, unless:
  - The break in employment is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or
  - There is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in employment;
  - An employer may voluntarily consider periods of employment prior to a break of more than seven years, but it must do so uniformly for all employees with similar breaks in employment.

### 1,250 Hours of Service

The hours of service requirement will be met if an employee has worked a total of 1,250 hours of service in the 12 months immediately preceding the start of the FMLA leave.

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

- The birth of a child or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of their job.
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

FML is unpaid, however the University requires employees to use all available paid time off (PTO) for an approved FML.

Short term disability (STD) benefits will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established short-term disability policy. The employee may elect to supplement their STD benefits with PTO or vacation time. If applicable, workers' compensation wage replacement benefits may run concurrently with FMLA leave.

Paid parental leave benefits of eight (8) workweeks will run concurrently with FMLA leave and counted toward the employee's twelve (12) workweek entitlement. The employee must then substitute all available PTO time before being unpaid for what remains of the 12-workweek leave entitlement.

Generally, employees are not permitted to perform work while on leave.

### **Military Family Leave**

The FMLA also provides certain military family leave entitlements. You may take FMLA leave for specified reasons related to certain military deployments. Additionally, you may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.

An employee who is using military FMLA leave for a qualifying exigency or military caregiver leave must use all available PTO and vacation days prior to being eligible for unpaid leave.

When an eligible employee requests qualifying exigency leave, the University may request the following information and documentation:

- A copy of the military member's active-duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or call to covered active-duty status, which need be provided only once per deployment.
  - The University may contact the Department of Defense to request verification that the military member is on covered active duty. The University may not request any additional information from the Department of Defense.
- A statement or description of the appropriate facts regarding the qualifying exigency,
- The approximate date on which the leave began (or will begin), and how long and/or how often leave will be needed; and
- The contact information for any meeting with a third party and a brief description of the purpose of the meeting.

The University may contact a third party to confirm the nature of a third-party meeting but may not request additional information from the third party during this contact. The University does not have to obtain permission from the employee for this contact.

### **Military Caregiver Leave**

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the servicemember.

### **Covered Servicemember**

A covered servicemember is either:

- A Current Servicemember: A covered servicemember means a current member of the Armed Forces, including a member of the U. S. National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- Veteran: A covered servicemember means a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

To discuss the need for or to request FMLA, please contact Benefits & Wellness at [fmla@butler.edu](mailto:fmla@butler.edu).

For more information regarding FMLA and employee rights, please visit:  
<https://www.dol.gov/agencies/whd/fmla/employee-guide>