

# Statutory Leaves of Absence Policy (HR-012A)

(Formerly Medical and Personal Leaves of Absence Policy)

Revised August 1, 2009  
Human Resources  
Employment Practices



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# Statutory Leaves of Absence Policy



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- Purpose of the Policy
- Types of Leave Covered
  - Family & Medical Leave Act (FMLA) - Overview
  - National Defense Authorization Act (NDAA)
  - Tennessee Maternity Leave Act (TMLA)
- Process Changes
- Questions

# Purpose



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The purpose of the policy is to ensure that Vanderbilt administers protected leaves in accordance with federal and state employment laws:

- Family and Medical Leave Act
- Tennessee Maternity Leave Act

# FMLA Overview



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- Provides 12 weeks of job protected leave within 12 month rolling calendar year
- A rolling calendar year is measured from the date leave is first used
- Eligibility requires 12 months of employment and 1250 hours worked prior to beginning of leave
- Twelve months of employment does not have to be consecutive

## FMLA Overview continued



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- **Qualifying events include:**
  - Birth of a child, adoption or placement of a child in foster care
  - Staff member's own serious medical condition
  - Care for a spouse, parent, child with a serious medical condition
  - New qualifying events under the National Defense Authorization Act

# FMLA Overview Continued



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- Requires 30 day notice to employer (when need is foreseeable)
- Medical Certification/Documentation of a qualifying event required (15 calendar days to provide)
- Leave can be taken continuously or intermittently
- Spouses working at VU may take a combined total of 12 weeks for the same qualifying event

# What's New with the FMLA policy?



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- Recent amendment (NDAA) to the FMLA includes two additional qualifying events:
  - Qualifying Exigency*
  - Military Caregiver Leave*
- Changes to guidelines for administration of FMLA (i.e. notification requirements, explanation of rights to staff member and responsibilities for staff member and employer)

# New Qualifying Events National Defense Authorization Act



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- Qualifying Exigency Leave allows time off for a staff member who has a family member enlisted in the Armed Forces including the National Guard and Reserves on covered active duty
- A family member is a spouse, son, daughter or parent
- Staff member may take up to 12 weeks of exigency leave

# New Qualifying Events Continued



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- **Qualifying exigency** can include any of the following:
  - » Short Notice Deployment
  - » Military Events/Activities
  - » Childcare/School Activities
  - » Financial/Legal Arrangements
  - » Counseling
  - » Rest and Recuperation
  - » Post-Deployment Activities

# New Qualifying Events Continued



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- **Military Caregiver Leave** – Time off to care for a service member with a serious illness or injury incurred in the line of duty or active duty when the service member is the spouse, son, daughter or parent of the staff member
- Rule also applies to next of kin (closest blood relative or person designated by the service member)
- Caregiver leave covers veterans who are undergoing medical treatment, recuperation or therapy for a serious injury that occurred anytime during the five years preceding the date of treatment
- Leave duration is 26 weeks in a 12 month period  
(Prior FMLA leave taken for other events is not counted towards the 26 weeks)

# Process Changes for Administration of FMLA Leave



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- A qualifying event may exist after **3 days** versus 5 days (\*Remember-The staff member does not have to specify the name of the leave in a request)
- The supervisor or staff member can initiate the process by completing and submitting a leave request form to Employee Relations
- The staff member must be notified of eligibility status (12 months of employment and 1250 hours worked) within 5 business days of request
- **Employee Relations will confirm eligibility status electronically by notifying the department and staff member simultaneously**

## Process Changes (continued)



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- Eligible staff members receive notice of rights and responsibilities (i.e. certification of a qualifying event)
- Staff must be notified within 5 business days after the determination of a qualifying event which is forwarded to the supervisor
- The leave approval notification must include: duration, amount of accruals available, and a medical release prior to returning to work (for self)
- The approval comes from the department designee
- Staff denied leave under FMLA/TMLA will be provided other leave options if applicable

# Summary of New Changes to FMLA



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- Two additional qualifying events: Exigency Leave and Military Caregiver Leave (recently expanded – October '09)
- Exigency Leave now includes all Armed Forces members and all covered active duty
- Military Caregiver Leave now includes caring for veterans receiving treatment for injuries that may have occurred 5 years prior

# Summary of New Changes to FMLA (continued)



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*Recruitment*

- A qualifying event may occur after 3 days as opposed to the previous 5 days
- Administrative changes include:
  - Requirement to provide notice of eligibility status within 5 business days after request
  - Requirement to provide notice of staff member's rights and responsibilities

# TMLA (Parental Leave)



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- TMLA - State law that provides up to 4 months of job protected leave to eligible staff members for the birth of a child , adoption, or placement of a child in foster care.
- Must be employed full time for 12 **consecutive** months
- Must provide 3 months notice (waived in the event of a medical emergency, or when staff member receives less than 3 months notice of adoption)
- Leave runs concurrently with FMLA