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**UNIVERSITY OF MIAMI POLICY AND PROCEDURE MANUAL**

TITLE:	Family and Medical Leave	REFERENCE: 29 U.S.C. § 2601, <i>et seq.</i> , as amended; Part 825 of Title 29, Code of Federal Regulations.
CATEGORY:	Human Resources	PAGE: 1 of 12
APPROVER:	Nerissa Morris  Vice President, Human Resources	SUPERSEDES: Policy Nos. D050, G025, G030, G035 and 805. VERSION: 1 EFFECTIVE: October 20, 2014

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**PURPOSE**

The University recognizes that employees may require time away from work for certain reasons. The purpose of this policy is to establish the framework for an employee to use leave under the Family and Medical Leave Act of 1993 (“FMLA”), and its related regulations issued by the U.S. Department of Labor. An employee’s use of other types of leave is addressed separately in other University policies.

This policy supersedes the following policies in their entirety:

- Clerical/Nursing/Technical/Service: *Medical Leaves of Absence*, Policy No. G025, dated 02/01/2005
- Clerical/Nursing/Technical/Service: *Maternity (Pregnancy) Leaves of Absence*, Policy No. G030, dated 02/01/2005
- Clerical/Nursing/Technical/Service: *Family Leaves of Absence*, Policy No. G035, dated 02/01/2008

This policy also supersedes certain provisions concerning the FMLA within the following policies:

- Administrative/Professional: *Leaves of Absence*, Policy No. D050, dated 02/01/2008
- Research: *Leaves of Absence*, Policy No. D050, dated 02/01/2008
- University of Miami Hospital: *Leaves of Absence*, Policy No. 805, dated 10/20100

**POLICY**

It is the policy of the University to provide eligible employees with up to 12 workweeks (480 hours) of unpaid leave in a 12-month period for specified family and medical reasons; or up to 26 workweeks (1040 hours) of unpaid leave in a 12-month period to care for a covered service member with a serious injury or illness. The administration of leave under this policy shall be done in accordance with the procedure set forth below, as well as FMLA and related regulations.

## **DEFINITIONS**

**“12-month period”** is a rolling 12-month period measured back from the date an employee uses any FMLA leave. This method of determining the “12-month period” is known as the “rolling method.”

However, the “12-month period” for purposes of caring for a covered service member with a serious injury or illness begins on the first day the eligible employee takes leave and ends 12 months after that date.

**“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 either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. An employee’s documented dependent(s), up to the age of 26, are also included in the definition of “child” where the dependent is enrolled in a university, college, or vocational institution on a full-time basis.

However, the “child of a covered servicemember,” and “child on covered active duty or call to covered active duty status” means a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

**“Covered active duty”** for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country.

**“Covered service member”** is 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 outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A “covered service member” also includes a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**“Domestic partner”** is defined as the partner of an eligible employee who is of the same sex, sharing a long-term committed relationship which satisfies the following criteria:

- (1) The employee and partner are each other’s sole Domestic Partner with the intention to remain so indefinitely;
- (2) The employee and partner are in an affectionate relationship of mutual support, caring and commitment;
- (3) The employee and partner share joint financial responsibility for the household, have resided together for at least 12 months, and intend to reside together indefinitely;
- (4) If the law permitted marriage, the employee and partner would marry;
- (5) The employee and partner are of the same sex;
- (6) Neither the employee nor the partner are legally married to someone else, nor related by blood; and
- (7) The employee and partner are each at least eighteen (18) years of age, and are each legally competent to provide consent.

**“Eligible employee”** is an employee who has been employed: (1) for at least 12 months (which need not be consecutive); and (2) for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. In the event an employee has non-consecutive intervals of employment with the University, all intervals during the prior seven (7) years shall be counted for purposes of determining whether the employee has met the 12-month length of service requirement.

**“Family member”** is an eligible employee’s spouse, domestic partner, child, or parent. “Family member” shall also include an employee’s grandparent where the employee assumes complete financial responsibility for the grandparent’s needs.

**“Health care provider”** is defined as (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person determined to be capable of providing health care services, such as podiatrists, dentists, clinical psychologists, optometrists, and chiropractors authorized to practice in the State and performing within the scope of their practice as defined under State law; (ii) nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; (iii) any health care provider from whom the University would accept certification of the existence of a serious health condition to substantiate a claim for benefits; (iv) a health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

**“Incapable of self-care”** shall mean that the individual requires active assistance or supervision to provide daily self-care in several of the “activities of daily living or instrumental activities of daily living,” which include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, and eating, as well as cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones, etc.

**“Intermittent Leave”** is FMLA leave taken in separate blocks of time of no less than one (1) hour increments due to a single qualifying reason rather than for one continuous period of time.

**“Medically necessary”** is defined as the existence of a medical need for FMLA leave and that such medical need can be best accommodated through an intermittent or reduced leave schedule.

**“Parent”** is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child defined above. This term does not include parents “in law.” For purposes of this policy, the term shall also include employee’s grandparent where the employee assumes complete financial responsibility for the grandparent’s needs.

**“Qualifying exigency”** is a necessity occasioned by the fact that the employee’s family member is on (or has been notified of an impending call to) covered active duty in the Armed Forces, consisting of the following:

- (1) *Short-notice deployment activities* shall consist of time spent addressing any issue that arises from the fact that the military member is notified of an impending call or order to

covered active duty seven (7) or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven (7) calendar days beginning on the date the military member is notified of an impending call or order to covered active duty.

- (2) *Military events and related activities* shall consist of:
  - (i) attending any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and/or
  - (ii) attending family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member.
  
- (3) *Childcare and school activities* shall consist of:
  - (i) arranging for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;
  - (ii) providing childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;
  - (iii) enrolling a child of the military member in or transfer to a new school or day care facility when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and/or
  - (iv) attending meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member.
  
- (4) *Financial and legal arrangements* consisting of:
  - (i) making or updating financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and/or
  - (ii) acting as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status.
  
- (5) *Counseling* by someone other than a health care provider, for oneself, for the military member, or for a child of a covered servicemember, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

- (6) *Rest and Recuperation* shall consist of spending time with the covered service member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave.
- (7) *Post-deployment activities* shall consist of:
- (i) attending arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and/or
  - (ii) addressing issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services.
- (8) *Parental care* shall consist of:
- (i) arranging for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;
  - (ii) providing care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;
  - (iii) admitting to or transferring to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and/or
  - (iv) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings.
- (9) *Additional activities* consist of addressing other events which arise out of the military member's covered active duty or call to covered active duty status provided that the University and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

**“Reduced Leave Schedule”** is a schedule that reduces an employee's usual number of working hours per workweek, or hours per workday, for a period of time.

**“Serious health condition”** is an injury, illness, impairment, or physical or mental condition that involves: (i) inpatient care (overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, any subsequent treatment in connection with such inpatient care); (ii) or continuing treatment by a health care provider.

**“Serious injury or illness”** means: (1) an injury or illness incurred by the service member in the line of active duty in the Armed Forces that may render the member medically unfit to

perform the duties of the service member's office, grade, rank or rating; or (2) a serious injury or illness that existed before the beginning of the service member's active duty and was aggravated by service in the line of active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.

For a veteran, a "serious injury or illness" is defined as a qualifying injury or illness that was incurred by the member in the line of active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

"**Spouse**" means another person with who an employee has entered into marriage as defined or recognized under the laws of the State in which the marriage was entered. In the case of a marriage entered into outside of the United States, the marriage must be valid in the place where entered into and could have been entered into in at least one U.S. State. This definition includes legally recognized same-sex or common law marriages.

## **PROCEDURE**

### **I. QUALIFYING REASONS FOR FMLA LEAVE**

Up to 12 workweeks (480 hours) of unpaid leave in a 12-month period may be taken by an eligible employee for any one or more of the following reasons:

- the birth of the employee's child or to care for the newborn child;
- the placement of a child with the employee for adoption or foster care or to care for the newly placed child;
- to care for the employee's family member with a serious health condition;
- the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and/or
- for any qualifying exigency arising out of the fact that the employee's family member is on (or has been notified of an impending call to) covered active duty in the Armed Forces.

Up to 26 workweeks (1040 hours) of unpaid leave in a 12-month period may be taken by an eligible employee who is the family member, or next of kin of a covered service member to care for the covered service member with a serious injury or illness.

The existence of one or more of the aforementioned reasons for FMLA leave does not operate to provide additional time beyond the applicable FMLA entitlement (12 or 26 workweeks, as applicable).

FMLA leave for the birth of a healthy newborn child or newly placed adopted or foster child must conclude within 12 months after the birth or placement. Unused FMLA leave does not carry over from one 12-month period to another.

### **II. INTERMITTENT LEAVE OR REDUCED LEAVE SCHEDULE**

While the FMLA allows an eligible employee to take leave for certain qualifying reasons described in Section I above, an eligible employee may not necessarily need or require the

leave to be taken all at one time. Instead, eligible employees are able to take intermittent leave or take leave on a reduced leave schedule as provided herein.

#### **A. BASIS FOR INTERMITTENT LEAVE OR REDUCED LEAVE SCHEDULE**

An eligible employee is required to demonstrate that intermittent leave or leave on a reduced leave schedule is **medically necessary** because of an employee's own serious health condition, to care for a family member with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

Leave because of any qualifying exigency arising out of the fact that the employee's family member is on (or has been notified of an impending call to) covered active duty in the Armed Forces may be taken intermittently or on a reduced leave schedule, without a showing of medical necessity.

Intermittent leave or leave on a reduced leave schedule may not be taken to care for a healthy newborn or for newly placed healthy child following the birth or placement of said child.

#### **B. SCHEDULING OF INTERMITTENT LEAVE OR REDUCED LEAVE SCHEDULE.**

If an employee takes leave intermittently or leave on a reduced leave schedule, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the University's operations. When intermittent leave or leave on a reduced leave schedule for foreseeable planned medical treatment is taken, the University reserves the right to temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

#### **C. LIMITATION ON INTERMITTENT LEAVE OR REDUCED LEAVE SCHEDULE**

An employee may not use intermittent leave or a reduced leave schedule where it is physically impossible for an employee to commence or end work prior to the end of a shift, given the nature of the work performed. In such cases, the entire period of the employee's absence shall be designated as FMLA leave when there is no equivalent position for the employee.

### **III. SUBSTITUTION OF PAID LEAVE**

If an employee has paid leave for which he or she is eligible to use (e.g., vacation, sick leave, floating holiday), said leave shall be substituted for unpaid FMLA leave. In turn, the paid leave runs concurrently with the employee receiving pay under the applicable paid leave policy; and receiving job protection under the FMLA.

For example, if an employee has 80 hours of sick, and 120 hours of vacation leave, the employee's first 200 hours of the FMLA leave shall be paid from said sick and vacation leave, and the remaining 280 hours of FMLA leave shall be unpaid.

The substitution of paid leave shall occur in the following order: (1) sick leave; (2) floating holidays; (3) accrued vacation leave. FMLA leave will also run concurrently with leave for

disability or leave related to workers' compensation injury/illness. Any paid leave used for an FMLA qualifying reason will be charged against the employee's entitlement to FMLA leave.

Employees who have short-term disability coverage must contact Human Resources' Office of Benefits Administration in order to initiate such coverage in lieu of substituting paid leave as provided above. Where compensation under short-term disability coverage is less than an employee's regular wages or salary, the employee may elect to have his/her wages supplemented by drawing upon any accrued leave balances.

**The substitution of paid leave for unpaid FMLA leave does not extend the 12 workweeks (or 26 workweeks, where applicable) leave period.**

#### **IV. REQUESTING FMLA LEAVE**

An employee requesting FMLA leave is required to complete and submit a Request for FMLA Leave Form. If the employee fails to explain the reasons for the leave, FMLA leave may be denied. Once an employee's request for FMLA leave is received by Human Resources, the employee shall receive a Notice of Eligibility and Rights & Responsibilities, which will explain whether the employee is eligible for FMLA leave, as well as other relevant information.

##### **A. LEAVE FORSEEABLE**

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for a serious health condition of the employee or employee's family member, the employee must provide the University with at least 30 days advance notice. If 30 days' notice is not practical because of a lack of knowledge by the employee as to when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. When leave is foreseeable to care for a service member under the military caregiver leave provision, the employee shall provide notice to the University as soon as is reasonable and practicable.

##### **B. LEAVE UNFORESEEABLE**

When the timing of the leave is unforeseeable, the employee must provide the University with notice of the need for leave as soon as practicable (*i.e.*, within 1 or 2 business days of learning of the need for the leave). Where the employee is incapacitated and unable to provide notice, the University will accept notice from the employee's family member, or other individual acting on behalf of the employee.

##### **C. REQUESTING ADDITIONAL LEAVE**

Employees who have exhausted their FMLA leave entitlement may request additional leave by submitting the Request for FMLA Leave form or a written request for such additional leave which includes the following information: (i) basis for the need; and (ii) anticipated duration of the leave, with a specific proposed return date. Where such a request is based upon a serious health condition of the employee or the employee's family member, the employee is required to submit information from the applicable health care provider reflecting the need for the additional leave. Such requests shall be evaluated on a case-by-case basis. In the event additional leave



is approved, such leave **shall not** be considered FMLA leave. Instead, such additional leave shall be considered (1) personal leave without pay if the employee does not have any available leave balances; or (2) personal leave with pay if the employee has available leave balances. In no event shall additional leave approved under this provision exceed 480 hours. Approval or denial of requests for additional leave shall be in the sole discretion of the applicable Human Resources Director, in consultation with the Office of Workplace Equity and Performance.

#### **V. DESIGNATION OF THE LEAVE**

The University will notify the employee in writing in the form of a Notice of Designation whether the leave has been approved and designated as FMLA leave.

The University may conditionally designate the employee's leave as FMLA leave if it has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the University of the reason for the leave, and the employee desires that the leave be counted as FMLA leave, the employee must notify Human Resources within two (2) business days of the employee's return to work that the leave was for an FMLA reason. In such cases, the employee will be required to provide documentation supporting a retroactive designation.

#### **VI. REQUIRED DOCUMENTATION FOR FMLA LEAVE**

An employee will be requested to provide a certification or other documentation in support of the employee's request for FMLA leave. Generally, all certifications required under this policy must be complete and provide sufficient information in support of an employee's request for FMLA leave. A certification is considered incomplete if one or more applicable entries have not been completed. A certification is insufficient if the information provided is vague, ambiguous, or non-responsive. In the event a certification or other documentation is incomplete or insufficient to support a request for FMLA leave, the employee shall be notified in writing and shall be afforded a period of seven (7) calendar days to correct the deficiency, unless not practicable under the particular circumstances despite the employee's diligent good faith efforts. Failure to correct the deficiency may result in the denial of FMLA leave.

##### **A. LEAVE TAKEN FOR FAMILY MEMBER**

When leave is taken to care for a child, spouse or parent, the University may require the employee to provide documentation or statement of familial relationship (e.g., birth certificate or court document), and any other documentation that may support entitlement to leave under this policy. An employee shall be required to present proof reflecting the grandparent as a dependent of the employee where an employee requests FMLA leave to care for a grandparent for who the employee is completely financially responsible.

##### **B. LEAVE TAKEN FOR A QUALIFYING EXIGENCY**

When leave is taken for a qualifying exigency, the University may require the employee provide a certification which includes the following information: (i) sufficient facts regarding the qualifying exigency for which FMLA leave is requested; (ii) the approximate date on which the qualifying exigency commenced or will commence; (iii) where the leave is for a single, continuous period of time, the beginning and end dates of the employee's absence; (iv) where the leave is

intermittent or consists of a reduced schedule, the frequency and duration of the qualifying exigency; and (iv) any documentation supporting the existence of a qualifying exigency and the need for FMLA leave.

### **C. LEAVE TAKEN FOR SERIOUS HEALTH CONDITION**

An eligible employee shall be required to submit a medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition.

Where the leave is foreseeable, an eligible employee must provide the medical certification within 15 calendar days of the employee's receipt of the Notice of Eligibility. Where the leave is unforeseeable, an eligible employee must provide said certification within five (5) business days after the leave commences.

If the University has reason to doubt the employee's initial certification, the University may require the employee, at the University's expense, obtain a second opinion by a health care provider designated or approved by the employer. If the initial and second certifications differ, the University may, at its expense, require the employee obtain a third final and binding certification from a health care provider designated or approved by the employer and the employee.

During FMLA leave, the University may require that the employee provide recertification of a serious health condition at reasonable intervals where there arises a question as to the appropriateness of the leave or its duration. In such cases, the employee must provide the requested recertification within 15 calendar days after the University's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent and good faith efforts.

Additionally, the University may request that the employee provide periodic reports during the FMLA leave period regarding the employee's status and intent to return to work.

FMLA leave may be denied if the appropriate documentation is not provided as required above.

## **VII. MAINTENANCE OF HEALTH BENEFITS**

During FMLA leave, an employee is entitled to group health plan coverage under the same conditions as if the employee had continued to work. To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums shall continue to be deducted from the employee's wages/salary in the normal course of business. For any period of FMLA leave that is unpaid, the employee is responsible for paying the employee's portion of health insurance premiums directly to the health plan provider. The employee shall have a minimum 30-day grace period in which to make premium payments. If payments are not made timely, the group health insurance coverage may be cancelled, provided the employee is notified in writing at least 15 calendar days prior to the cancellation of the health insurance.

## **VIII. RETURNING FROM FMLA LEAVE**

### **A. RETURN TO WORK CERTIFICATION**

Before an employee returns to work from FMLA leave for the employee's own serious health condition, the employee is required to submit a Return to Work Certification from the employee's health care provider stating that the employee is able to resume work. The Return to Work Certification must be submitted at least 14 calendar days prior to the employee's date of return, unless impracticable under the circumstances. Failure to provide the certification may result in the employee being denied reinstatement to his or her position.

## **B. REINSTATEMENT**

Upon return from FMLA leave, the University will reinstate the employee in the same position held before the leave or an equivalent position with equivalent pay, benefits and other employment terms. However, an employee is entitled to reinstatement only if he or she would have continued to be employed had FMLA leave not been taken. Therefore, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

The University reserves the right to deny reinstatement to salaried eligible employees who are among the highest paid ten percent (10%) of the University's employees, and who are considered Key Employees, if such denial is necessary to prevent substantial and grievous economic injury to the University's operations.

## **C. FAILURE TO RETURN FROM FMLA LEAVE; CHANGES IN DATE OF RETURN**

If the employee does not return to work at the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The University may seek to recover health insurance premiums that it paid on behalf of the employee during any unpaid FMLA leave, except that the University's share of such premiums shall not be recovered if the employee fails to return to work because of the serious health condition of the employee or the employee's family member, or because of other circumstances beyond the employee's control. In such cases, the University may require the employee to provide medical certification of the employee's or the family member's serious health condition.

If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must notify the University within two (2) business days of the employee's changed circumstances and advise of the new date for the employee's return to work. It should be noted that nothing herein shall be deemed as an automatic approval of additional leave beyond that provided under this Policy. If the employee advises the University of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

## **IX. POLICY VIOLATIONS**

Factual misrepresentations made by employees in order to obtain FMLA leave shall result in disciplinary action, up to and including termination. Additionally, disciplinary action may also be taken against employees who are engaged in employment activities unrelated to the University while on an approved FMLA leave.

**X. POLICY INTERPRETATION: COMPLIANCE WITH FMLA AND RELATED REGULATIONS: AMENDMENT**

This policy and the procedures described herein above shall be interpreted in a manner consistent with the FMLA, Part 825 of Title 29, Code of Federal Regulations, other guidance and/or regulations issued by the U.S. Department of Labor, and any interpretative case law. Amendments to this policy warranted by changes in the law may occur, from time to time. In such cases, employees shall be advised of any substantive and material amendments to this policy.