



POLICY

Title: Family and Medical Leave Act (FMLA)

Policy Statement

The University is a covered employer under the federal Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (VPFL). As such, it is required to provide its employees who meet certain eligibility requirements with a leave of absence for the reasons detailed in this Policy. Leaves of absence taken under these statutes are protected by law, and retaliation in response to taking or requesting such a leave is prohibited.

Reason for the Policy

To provide eligible employees with information related to the job-protected leaves of absence to which they are entitled by statute; to ensure compliance with state and federal mandates for notice and documentation associated with leaves of absence; to prevent retaliation in response to employees' exercise of rights under these statutes.

Applicability of the Policy

This Policy is applicable to all employees who meet the eligibility criteria detailed below. The anti-retaliation provisions of this Policy apply to all employees regardless of whether they are eligible for leaves of absence under the FMLA and VPFL. This Policy applies to all employees of the University of Vermont.

Definitions

None

Procedures

I. Leave Entitlements

Eligible employees can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

1. The birth of a child or placement of a child for adoption or foster care;
2. To bond with a child (leave must be taken within one year of the child's birth or placement);
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
4. For the employee's own qualifying serious health condition that makes the employee unable to perform their job;

5. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

The University will, for purposes of defining the 12-month period, use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave, as described in the "[Department of Labor's FMLA Fact Sheet: 12-month period under the FMLA](#)".

II. Benefits & Protections

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave on an intermittent or reduced schedule basis.

Employees may choose to use accrued paid leave while taking FMLA leave. Please refer to Section VI of this policy for further information about FMLA and other University leave options.

While employees are on FMLA leave, the University will continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, an employee will be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An exception to job restoration is if, during the period of leave, the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave.

The University will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. Refer to UVM's [Whistleblower Policy: Reporting, Protections & Non-Retaliation](#) for more information. Time off under the FMLA may not be held against an employee in employment actions such as hiring, promotions or discipline.

In the event that a Collective Bargaining Agreement provides benefits in addition to this policy, nothing herein shall reduce or alter the terms of the collective bargaining agreement.

III. Eligibility Requirements

An employee must meet two criteria to be eligible for FMLA leave. The employee must:

1. Have worked for the University for at least 12 months; and
2. Have at least 1,250 hours of service in the 12 months before taking leave.

IV. Requesting Leave

Employees seeking to take time off for a covered reason must notify their immediate supervisor and their HR representative of the need for FMLA leave.

Whenever possible, employees should give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify the University as soon as possible and, generally, follow the applicable Collective Bargaining Agreement procedures for requesting leave.

Employees do not have to share a medical diagnosis, but must provide enough information to the University so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the University that the employee is or will be unable to perform their job functions,

that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the University if the need for leave is for a reason for which FMLA leave was previously taken or certified because this may impact the type of, or whether, further certification is needed.

The University can require a certification or periodic recertification supporting the need for leave. If the University determines that the certification is incomplete, it will provide a written notice indicating what additional information is required. Such requests for certification or recertification will not be made beyond the level required under the FMLA act.

V. University Responsibilities

Within five business days of when an employee requests FMLA leave, or when the University acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the University will notify the employee if they are eligible for FMLA leave and, if eligible, will also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the University will provide a reason for ineligibility.

The University will notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

VI. FMLA and other University Leave Options

An employee may choose to take University paid leave (i.e., vacation, medical, parental, or personal leave) concurrently with unpaid FMLA leave. In the event an employee needs more than 12 weeks of leave provided by the FMLA, the employee may apply for additional leave under the guidelines in relevant Collective Bargaining Agreements for unionized employees or under the University's leave policies (i.e., vacation, medical, personal, parental, or unpaid personal leave) for non-unionized employees.

VII. Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer for alleged violations of the FMLA.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Vermont Parental Leave, Family Leave and Short-Term Family Leave (VPFL) Policy

Employees of the University who work primarily in Vermont for an average of 30 hours per week for at least a year are eligible for up to 12 weeks of unpaid, job-protected leave during any 12-month period under the VPFL.

The reasons for which an employee's leave may qualify for VPFL protection are identical to the reasons a leave may qualify for FMLA protection, except that the VPFL is not available for placement of a child for foster care or for military service-related reasons. Unlike the FMLA, the VPFL allows leave to care for a party to a civil union or for the parent of the employee's spouse with a serious medical condition. Benefits and protections for employees taking VPFL leave, as well as the process for requesting leave, are as set forth in the University's FMLA policy above.

FMLA and VPFL leaves will run concurrently when an employee is eligible for both types of leave (i.e., there is no "stacking" of FMLA and VPFL leave).

In addition to parental and family leave, the VPFL entitles an employee to short-term unpaid leave of up to 4 hours in any 30-day period (but not more than 24 hours in any 12-month period) for the following reasons:

1. to participate in preschool or school activities directly related to the academic advancement of the employee's child, stepchild, foster child or ward who lives with the employee;
2. to attend or to accompany the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
3. to accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; or
4. to respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

For short-term leave, an employee must give notice as early as possible, at least seven days before the leave is to be taken, unless waiting seven days could have a significant adverse impact on the employee's family member.

Please see the Vermont Department of Labor [Parental Leave, Family Leave and Short-Term Family Leave poster](#) for further information about this law, including information about steps employees may take if they have been aggrieved by a violation of this law.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Human Resource Services	UVMLER@uvm.edu hrrinfo@uvm.edu
Payroll (Questions concerning time reporting codes in systems)	payroll@uvm.edu

Forms/Flowcharts/Diagrams

- [FMLA Procedures](#)
- [FMLA Rights and Responsibilities Template](#)
- [FMLA Tracking Spreadsheet](#)

Related Documents/Policies

- [Collective Bargaining Agreements](#)
- [LCOM Faculty Handbook](#)
- [UVM Employee Handbook](#)

Regulatory References/Citations

- 29 C.F.R. § 825.100 et seq.
- 21 V.S.A. § 472 et seq.
- [DOL FMLA Fact Sheet](#)
- [DOL FMLA Employee Guide](#)

Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

About this Policy

Responsible Official:	Chief Human Resource Officer	Approval Authority:	President
Policy Number:	V. 7.20.1	Effective Date:	October 4, 2022
Revision History:			

University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).