Family and Medical Leave Act (FMLA)/Rhode Island Parental Family and Medical Leave (RIPFML) (20.043)

Introduction
FMLA (Family and Medical Leave Act) is a federal law that provides up to 12 weeks of job-protected leave for an employee's own serious medical condition or to care for a covered family member who has a serious medical condition. RIPFML (Rhode Island Parental and Family Medical Leave) is a state law that is similar to FMLA, however, it provides up to 13 weeks of job-protected leave.

Policy Statement
Employees who meet the eligibility requirements under FMLA and/or RIPFML are entitled 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 actively working. Key highlights follow:

- The maximum duration for FMLA leave is 12 weeks, or up to 26 weeks under Military Caregiver Leave noted below, in a 12 month period.
- The 12 weeks provided under FMLA may be used intermittently or as part of a reduced schedule based on medical need.
- The maximum duration for RIPFML leave is 13 weeks in a 24 month period. If an employee is eligible for both FMLA and RIPFML when requesting leave, the two leave entitlements will run concurrently.

FMLA/RIPFML Eligibility

- FMLA. Eligibility for FMLA leave has been met once an employee has worked for at the University for at least 12 months and has worked a minimum of 1250 hours at the University within the previous 12 months.
- RIPFML. Eligibility for RIPFML leave has been met once an employee has worked for the University for at least 12 consecutive months and has averaged at least 30 hours per week prior to the effective date of the leave.

Eligible employees may request leave under FMLA/RIPFML for the following reasons:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, domestic partner, child, or parent* who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty";
- To care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (Military Caregiver Leave).

*Mother-in-law and father-in-law covered under RIPFML, but not under FMLA.

Return from FMLA/RIPFML. An employee returning from FMLA and/or RIPFML leave must be returned
to his/her original or an equivalent position.

**Intent to Comply With Applicable Law.** The University intends to fully comply with applicable law in the administration of these leave provisions. In view of the complexity and detail in the various statutes, it is impractical to express the entire body of relevant information in policy documents. In situations where this policy does not contain a specific obligation or right, the University will follow applicable state or federal requirements.

**Responsibilities**

**Employee.**
An employee requesting leave must do so at least 30 days in advance of the leave start date when the leave need is foreseeable. Additional responsibilities include:

- The employee requesting leave is required to formally initiate a leave request.
- In rare circumstances when an employee is unable to request leave through Workday (such as a medical emergency requiring hospitalization), the employee's supervisor should request a leave of absence on behalf of the employee.
- The employee requesting leave must provide a sufficiently completed Certification of Healthcare Provider form to the Human Resources department.
- When requesting a leave, the employee will be required to supply an expected return to work date. In instances when a return to work date is unknown, the employee should work with his/her healthcare provider and use a best estimate based on medical need or until the next appointment with the healthcare provider. This date may be changed in the future as circumstances and information make the return date more clear.
- When returning from a medical leave, the employee must also provide a return to work note from the employee's healthcare provider to the supervisor prior to or at the time of return.

If an employee fails to properly notify Brown University of the need for leave, provide timely and sufficient medical certification, or properly keep the department notified of his or her expected return to work date or need for additional leave, the FMLA/RIPFML designation may be withdrawn.

The employee requesting leave is responsible for meeting the requirements of taking a leave and keeping respective parties up to date on any changes to his or her leave status.

**Supervisor.**

- The employee's supervisor should request a leave of absence on behalf of the employee in those rare circumstances when an employee is unable to request leave through Workday (such as a medical emergency requiring hospitalization).
- The supervisor should approve the leave in Workday.
- The supervisor must receive a return to work note from the employee's healthcare provider prior to or at the time of the employee's return to work, if the leave was for the employee's own medical condition.

**Benefits Office.**

- Review the leave request and notify the employee and supervisor whether the leave meets the requirements of this policy, including the documentation requirements.
- Perform the administrative duties required during the leave, for example, requesting updated medical information from the employee
- Notify the employee and supervisor when the leave ends due to the maximum duration or any other reason such as a change in the leave status.
**Procedures**
Employees must request a leave of absence through Workday. Employees requesting leave must provide a sufficiently completed Certification of Healthcare Provider (see below for the two types) to the Leave Specialist in Human Resources. Upon completion of a leave of absence, the employee needs to provide a return to work note to the employee’s supervisor and a copy should be forwarded to the Leave Specialist in Human Resources.

**Forms/Instructions**
- Certification of Healthcare Provider Form (Employee’s Own Medical Condition)
- Certification of Healthcare Provider Form (Family Member)

**Frequently Asked Questions**
- Department of Labor (DOL) frequently asked FMLA questions

**Related Policies**
- Leaves of Absence

**Related Information**
Employees requesting a leave of absence (including FMLA/RIPFML) should also see the Leaves of Absence policy to learn more about related information that may overlap with FMLA/RIPFML leave or may provide alternative information if not eligible for FMLA or RIPFML.

**Policy Owner Approved by** Vice President for Human Resources

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**Revision Date:** Thu, 2017-08-17 15:52

**Source URL (retrieved on 2018-Apr 05):**
https://www.brown.edu/about/administration/policies/node/223