

Rule 5-200C: Scope, Eligibility, and Limitations for Leaves of Absence (Health-Related) – (UUHC Staff)

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I. Purpose and Scope

A. Purpose.

To outline the Rules associated with the University's Policy 5-200 on health-related leaves of absence with or without pay, including Sick Leave, long term medical leave and Family and Medical Leave Act leave for University of Utah Hospitals and Clinics Employees. Faculty Parental Leaves of Absence are governed by Policies 6-315 and 8-002.

B. Scope.

[reserved]

II. Definitions

The definitions provided in Policy 5-200 apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

- A. The definitions of "Benefits-eligible Position", "Employee", "Full-time", "Hourly", and "Staff" or "Staff Member" provided in Policy 5-001, Employee Definitions, apply for purposes of this Rule.
- B. "Child" means a biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis.
- C. "Domestic Partner" means a person with whom the Employee meets the following criteria: (a) they are both over the age of eighteen (18); (b) they reside together in a permanent residence and have done so for at least six months and will remain members of the same household for the period in question; (c) they have a serious and committed relationship which they intend to continue indefinitely; (d) they are emotionally committed to one another and jointly responsible for the common welfare and financial obligations of their household or one is chiefly dependent upon the other for financial assistance; (e) they are not related in any way that would prohibit legal marriage; and (f) neither is legally married to anyone else or the domestic partner of anyone else.
- D. "Immediate Family", for the limited purposes of this Rule and Policy 5-200 only, means grandparent, Parent, Spouse, Domestic Partner, sibling, Child, and grandchild. In-laws, foster or step relatives in the relationships listed, including relatives of an Employee's Spouse or Domestic Partner, are also included. Immediate Family also includes someone for whom the Employee is Next of Kin.
- E. "Next of Kin" is defined as the closest living relative.

- F. "Non-Faculty Academic Employees" is defined in Policy 5-001, Comprising Academic Staff, Educational Trainees, Postdoctoral Fellows, and Medical Housestaff (as each of those categories is defined in Policy 6-309).
- G. "Parent" means a biological parent or an individual who performed all parental duties in lieu of a biological parent.
- H. "Responsible Officer" means the cognizant department chairperson, principal investigator, director, dean or University officer who directly supervises the Employee.
- I. "Senior Administrative Officers" includes the University President, Vice Presidents, and other senior administrative officers of the University. See Policy 5-308, Benefits Eligibility Chart, for a list of positions.
- J. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition as defined in the Family and Medical Leave Act.
- K. "Spouse" means a husband or wife as defined or recognized under Utah law for purposes of marriage in Utah.

III. Rule

A. Family and Medical Leave Act ("FMLA") Leave (Leave Without Pay)

1. Eligibility

- a. An Employee may request leave under the FMLA if the employee meets the eligibility requirements of the FMLA.
- b. An eligible Employee may request and will be granted unpaid FMLA leave for one or more eligible reasons specifically defined in the FMLA.
- c. An eligible Employee may take leave under the FMLA to care for a Parent, Spouse, Child, and/or the Employee's Domestic Partner. For purposes of this Section A only, the term "Child" means a biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is either under the age of eighteen or over

the age of eighteen and incapable of self-care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

- d. For purposes of calculating the amount of FMLA leave an eligible Employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date the requested leave will begin.

2. Notification and Certification of Need for FMLA Leave

- a. An eligible Employee must notify UUHC of the need for FMLA in the manner and within the time periods stated in the FMLA.
- b. Upon proper notification by the Employee, UUHC HR will provide the Employee with information regarding the Employee's rights under the FMLA. The Employee shall be required to submit certification in the manner prescribed by the FMLA to confirm that the reason meets the specifications of the FMLA.

3. Substitution (Concurrent Use of Paid Leave and FMLA Leave)

- a. An Employee must substitute any accrued paid leave for any unpaid FMLA leave. Upon exhaustion of any accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for FMLA purposes exceed the amount of leave provided under the FMLA.

4. Benefits and Return from Leave

- a. An Employee may maintain current benefits during the FMLA leave as if the Employee were actively at work in accordance with the FMLA. The Employee will be responsible for paying the Employee's share of the premiums for such coverage.
- b. Unless the Employee is separated as a result of a reduction in force or end of a contract, an Employee who takes an FMLA leave for the

intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment in accordance with the requirements of the FMLA.

B. Americans with Disabilities Act (“ADA”) Reasonable Accommodation

1. An Employee who is a qualified individual with a disability (as defined under the ADA) and who is not eligible for leave under the FMLA or who is unable to return to work at the end of FMLA leave, may apply for a reasonable accommodation under the ADA pursuant to Policy 5-117. Additional leave, a job reassignment, or other more appropriate accommodation may be approved, unless the accommodation would be an undue hardship for the UUHC.

C. Other Medical Leave (Leave Without Pay)

1. Under certain circumstances, the University may permit an Employee who has exhausted all accruals and FMLA leave or an Employee who is not eligible for FMLA leave to take a medical leave with or without reinstatement for the Employee's own Serious Health Condition.
 - a. Option A – Medical Leave with Reinstatement: An Employee who has been on leave because of the Employee's own Serious Health Condition, including any time credited to PTO or FMLA leave or accrued vacation, for 12 weeks or less during any twelve month period prior to the date of return to work shall be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
 - b. Option B – Medical Leave without Reinstatement (benefits extension only): If reinstatement is determined not to be feasible by the Responsible Officer, the eligible Employee will be separated from the Employee's current position and placed on a medical leave of absence without reinstatement that will allow the Employee to retain health care coverage and certain University benefits for a limited period of time. In the event an

Employee approved for leave with reinstatement is unable to return to work at the end of the 12 week period, the employee will continue leave under Medical Leave without Reinstatement. The University has no obligation to reinstate, or to make any effort to reinstate, an Employee who is under this leave. An application for reinstatement in such cases shall be treated as an application for initial employment.

2. An Employee on medical leave, either with or without reinstatement, during the first six months of leave may continue to use accrued PTO. In the event the Employee receives pay during a pay period, the employing department will continue to pay the University cost of health care, life insurance, and disability insurance coverage and the Employee will only be required to pay the Employee rate.

D. Employee Benefits During Health-Related Leaves of Absence

1. Time-Related Benefits:

- a. Longevity for purposes of accruing PTO is not lost during the preceding leaves without pay. However, PTO Leave benefits do not accrue during unpaid leaves.

2. Retirement and Insurance Benefits

- a. While an Employee receives pay using PTO and Extended Sick Leave, retirement contributions will continue and the University will continue to contribute toward health coverage, life insurance, and disability insurance.
- b. To the extent FMLA leave is paid, retirement and benefit contributions will continue to be paid by the University on the same basis as if the Employee had continued in employment for the duration of the leave. To the extent FMLA leave is unpaid, retirement benefits will not be paid by UUHC during the leave. Employer contributions for other benefits will continue on the same basis as if the Employee had continued in

employment for the duration of the leave, provided the Employee pays the Employee's share of the premium and returns to work at the end of the leave.

- c. During an unpaid medical leave either with or without reinstatement, retirement and other benefits are not paid by the University. An Employee on medical leave, however, may elect to continue the Employee's health care coverage and certain other benefits for a limited period of time by paying for such benefits.

3. Other Benefits

- a. Other benefits, including tuition reduction, ticket discounts, and parking privileges continue during a health-related leave of absence.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules. [*reserved*]

B. Procedures, Guidelines, and Forms.

1. Procedure P5-200B: Procedures for Leaves of Absence (Health-Related) – (UUHC Staff)

C. Other Related Resources. [*reserved*]

V. References

A. Policy 5-001: Employee Definitions

B. Policy 5-117: ADA Policy, Reasonable Accommodation and Access

C. Rule 5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.

- D. Policy 5-201: Leaves of Absence (Non Health-Related)
- E. Policy 5-301: Vacation Leave Policy
- F. Policy 5-303: University Insurance Programs
- G. 29 Code of Federal Regulations 825.100 et seq., Family and Medical Leave Act Regulations, as amended

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): UUHC Director of Benefits
- B. Policy Officer(s): UUHC Chief Human Resources Officer

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

- A. Current version. Revision 0.
 - 1. Approved by -- Academic Senate December 6, 2016 with effective date of December 6, 2016.
 - 2. Editorial Revisions
 - a. Editorially revised April 28, 2023 to move to current regulations template
 - b. Editorially revised April 7, 2022 to replace gender-specific pronouns
- B. Previous versions.
- C. Renumbering
 - 1. Not applicable