

2.12 OREGON FAMILY LEAVE ACT (OFLA)

Employees may be eligible for family leave of up to 12 weeks in a 12-month period under the Oregon Family Leave Act ("OFLA").

OFLA leave may be used for any of the following purposes:

- serious health condition of the employee or of a family member;
- an employee's disability due to pregnancy or period of absence for prenatal care;
- birth, adoption or foster placement of a child under the age of 18; or adoption or foster placement of an adult child who is incapable of self-care because of a physical or mental impairment (includes leave to effectuate legal process for adoption or foster placement); or
- illness or injury of a child necessitating home care, other than a serious health condition, for a minor child or an adult child substantially limited by a physical or mental impairment.

A "serious health condition" is one that requires inpatient care or that poses an imminent danger of death in the near future or that requires constant care. An employee who is unsure whether a medical condition qualifies for family leave should contact the Human Resources Office for more information.

For purposes of OFLA leave, "family members" consist only of a child (biological, step, adopted or foster) under the age of 18 or adult child substantially limited by a physical or mental impairment, spouse, parent, parent-in-law or person acting "in loco parentis" (such as guardian or another relative caring for a child).

Normally an employee must have been employed with the University for at least 180 days and worked an average of at least 25 hours per week during the 180 days. (The 25-hour limit does not apply for leave for birth, adoption or foster placement of a child under age 18.)

The maximum amount of leave an employee may use at any one time is determined by the 12-month period beginning the first day the employee takes leave. If more than one family member employed at the University requests family leave at the same time, the University may require that the leave be taken at different times depending upon the reason leave is requested and the needs of the University.

An employee who wishes to take family leave should contact the Human Resources Office to obtain a leave application form as well as a medical certification form, if applicable. As alternate provisions for leave are available to faculty members, faculty members are encouraged to consult with their Dean's office prior to applying for leave through Human Resources, however, such consultation is not required if the employee intends to take leave on terms as described herein.

An employee on family leave may continue group medical benefits during any period of family leave at the employee's expense, up to a maximum of 12 weeks, by making arrangements through the Human Resource Office. All leaves of absence are unpaid. However, an employee must use available sick leave and vacation during the otherwise unpaid portion of the leave. At the time a leave is approved, an employee should receive information about what paid leave may be used during the family leave. No vacation or sick time will accrue during the unpaid portion of the leave.

At the end of the leave, normally the employee will return to his/her former position. If the former position does not exist for some business reason, the employee may return to an available equivalent position.

2.13 FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)

In addition to the leave benefits provided under other leave policies, under certain circumstances, employees may have the right to take leave under the federal Family and Medical Leave Act ("FMLA") for the following purposes:

- for birth, adoption or foster placement of a child under the age of 18; or adoption or foster placement of a disabled child 18 years or older who is incapable of self-care;
- due to the serious health condition of a family member;
- due to the employee's own serious health condition.

A serious health condition is one that requires inpatient care of any duration, continuing treatment by a health care provider for more than three days, or which, if left untreated, would result in more than three-day work absence or long term chronic condition requiring any length of absence. An employee who is unsure whether a medical condition qualifies for family leave should contact the Human Resources Office for more information.

For purposes of family leave, "family members" consists only of a child (biological, step, adopted or foster) under the age of 18, "in loco parentis" relationship or disabled child 18 years or older not capable of self-care; spouse (common law partners, but not domestic partners); or parent (biological or individual acting "in loco parentis").

Employees who have been employed at least 12 months and have worked at least 1,250 hours during the previous 12-month period may be entitled to up to 12 weeks in any 12-month period beginning with the first date the employee must take leave.

Under 2008 amendments, FMLA also makes special provision for family-medical leave related to service of a family member in the Armed Forces of the United States, including the National Guard or Reserves. The following provisions are subject to the same eligibility guidelines above in that employees must have been employed at least 12 months and have worked at least 1,250 hours during the previous 12-month period. FMLA provides for family-medical leave for the following circumstances:

- to permit a spouse, son, daughter, parent, or next of kin to take up to 26 workweeks of leave to care for 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.
- for any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. Qualifying exigencies may include, but are not limited to short notice deployment, military events and related activities, childcare and related activities, financial and legal arrangements, counseling, rest and recuperation leave, post deployment activities, or any other event that arises from a spouse's active deployment.

An employee who wishes to take family leave should contact the Human Resources Office to obtain a leave application form as well as a medical certification form, if applicable. As alternate provisions for leave are available to faculty, faculty members should consult with their Dean's office prior to applying for leave through Human Resources.

If applying for leave under this policy, an employee must give written notice of at least 30 days before the requested leave date in the case of the employee's own illness or the illness of a family member, if foreseeable, and in the case of birth or adoption of a child or the placement of a foster child. If the need for leave is unexpected, the employee must give notice (normally in writing unless the employee's own serious health condition prevents it) as soon as possible. The Office of Human Resources will determine whether the employee's leave of absence should be designated as FMLA-qualifying. It may so designate such leave whether the employee specifically requests FMLA leave or not.

A leave of absence for a serious health condition of an employee or a family member that will extend beyond five workdays will require a doctor's certificate of the need for leave. A doctor's certificate also may be required for the employee returning to work after his/her own serious health condition is resolved.

An employee will be allowed to continue group health insurance coverage during the period of leave. An employee must use available accrued sick leave and vacation, during the otherwise unpaid portion of any leave. No vacation or sick time will accrue during the unpaid portion of the leave. No other accruals based on time worked will be counted during the unpaid portion of the leave.

At the end of the FMLA leave, an employee will be reinstated to his/her former position or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.