

## Frequently Asked Questions FAMILY LEAVE

### FOR BOTH OPERATING STAFF AND EXEMPT EMPLOYEES

- Q. Are parents-in-law considered “immediate family” under Family Leave?
- A. Family Leave *would not apply* for time to attend to the medical needs of a parent-in-law (unless he or she is living in your household). “Immediate family member” is defined as spouse, parent, legally dependent child, or any person living in the employee’s household.

However, the [Extended Bereavement Leave Policy](#) would apply for parents-in-law.

- Q. What are the time increments to be used for Family Leave?
- A. Current leave policies apply regarding time off. Operating Staff deduct time by the hour. Exempt employees deduct time in full-day or half-day increments.
- Q. Is medical documentation required to use Family Leave?
- A. If the employee is taking extended time off for Family Leave or is away for shorter periods on a regular basis (intermittent leave), then the employee needs to complete a Certification of Physician form and provide it to Human Resources. Family and Medical Leave (FMLA) may apply in this situation.

Also, the supervisor can request that a Certification of Physician form be completed to substantiate use of Family Leave.

- Q. What is the difference between Family Leave *and* Family and Medical Leave ([FMLA](#))?
- A. These are two separate but related policies. FMLA may apply for employees using Family Leave to care for an immediate family member with a serious illness, either on an extended leave or for shorter periods on a regular basis (for example, taking your child or parent to doctor’s appointment on a regular basis). If any of these situations apply, an employee is required to complete a Certification of Physician form and Request for Leave of Absence form, to determine FMLA eligibility.

FMLA is the umbrella policy covering absence from work for an extended period or intermittently due to an employee’s own serious health condition; extended or intermittent time off to care for a spouse, child, parent, or same-sex domestic partner with a serious health condition; birth of the employee’s child; or placement of a child with the employee for adoption or foster care. FMLA is an approved absence available to eligible faculty and staff for up to twelve weeks per year for qualifying situations. If FMLA applies for employees using Family Leave, time off under Family Leave would count toward the 12-week period. FMLA leave is unpaid unless the employee has sufficient accrued leave to cover the period of absence (or is covered under USNH interim disability policy).

### FOR OPERATING STAFF ONLY

- Q. Can Operating Staff use Family Leave for personal illness or appointments?
- A. No. *Earned Time* is used for an employee’s personal illness. And if the employee is on extended leave for his or her own medical condition and has accrued sick pool, Sick Pool would apply after the use of five Earned Time days (and after completing the Certification of Physician form).
- Q. Must I use some Earned Time before accessing Family Leave?
- A. Access to Sick Pool for Family Leave does NOT require the prior use of Earned Time. However, access to Sick Pool for Extended Bereavement Leave DOES require the use of one Earned Time day prior to accessing Sick Pool. (And five Earned Time days must be used before accessing sick pool for employee’s own illness).

Q. What is [Extended Bereavement Leave](#)?

A. Extended Bereavement Leave may be used in those situations where tending to the affairs of a deceased immediate family member requires more than a one-day absence. (The first day's absence is taken as Earned Time).

Q. Does use of Sick Pool for Family Leave count toward Earned Time accrual?

A. Yes

FOR EXEMPT EMPLOYEES ONLY

Q. Does Family Leave take the place of the Maternity Leave policy for exempt\* employees?

A. No. Family Leave may be used *in addition to* maternity leave. Usually maternity "disability" leave applies for the six weeks following the birth of the child. Exempt employees must exhaust any accrued sick leave and then will be compensated with "interim disability" benefit for the duration of the six-week period. Under the Family and Medical Leave Act (FMLA), a parent may take off from work up to 12 weeks for the birth of a child. So if the exempt employee takes time off beyond the "interim disability" period, she may use up to 10 days of sick leave under the Family Leave policy (provided she has sick leave available and has not used her 10-day limit for the fiscal year).

Q. Does Family Leave take the place of Bereavement Leave for exempt\* employees?

A. No. [Extended Bereavement Leave](#) may be used *in addition to* Bereavement Leave in those situations where tending to the affairs of a deceased immediate family member requires a longer absence.

Q. When does my maximum annual leave accrual get reduced to 35 days?

A. Effective June 30, 2006. Exempt employees with a current balance of 36 annual days will have until June 30, 2006 to use the extra day. On-line leave records for FY07 will reflect the 35-day maximum accumulation.

\*Exempt = PAT, Extension Educator, Academic Administrator, fiscal year non-tenure track faculty