

Chancellor's Memorandum

CM-50 - Family and Medical Leave Policy

Initially Issued: May 27, 2002
Last Revised: November 5, 2024
Monitoring Unit: Human Resources Management (HRM)

I. PURPOSE

The Family and Medical Leave Act (FMLA) requires that eligible employees be granted up to 12 weeks a year of unpaid, job-protected leave for certain family and medical reasons (which shall be referred to as "qualifying events"). LSU Health Sciences Center at New Orleans (LSUHSC-NO) is committed to ensuring its employees are entitled to all rights and protections under FMLA, training supervisors and managers on FMLA requirements, and communicating this FMLA policy effectively to all employees.

II. DEFINITIONS

1. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
2. **Child:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who either is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability.
3. **Spouse:** A husband or wife as defined or recognized under state law for purposes of marriage, including same-sex marriages.
4. **Parent:** A biological, adoptive, step, or foster parent or an individual who stood in loco parentis to an employee when the employee was a Child. This term does not include parents-in-law.
5. **Covered Servicemember:** A current 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.
6. **Qualifying Exigency:** Activities related to a covered military member's active duty or call to active-duty status, including issues related to childcare, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by the Department of Labor.
7. **Qualifying Events:** All employees who meet the applicable work time requirements may be granted family or medical leave consisting of appropriate accrued annual or sick leave, parental leave and unpaid leave, for a period of twelve (12) weeks during a rolling 12-month period for the following reasons:
 - a. The birth of the employee's Child and in order to care for the Child; or

- b. The placement of a Child with the employee for adoption or foster care, starting with the date of placement; or
 - c. To care for a Spouse, Child, or Parent who has a Serious Health Condition; or
 - d. A Serious Health Condition that renders the employee incapable of performing the functions of their job.
 - e. When both spouses work for the same employer, the total amount (combined total) of leave they may take is limited to 12 weeks if they are taking leave for the birth or adoption of a Child or to care for a sick Parent.
8. **Military Caregiver Leave:** if the eligible employee is the servicemember's Spouse, Child, Parent, or next of kin, the employee may take up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a Covered Servicemember with a serious injury or illness
9. **Qualifying Exigency Leave:** Leave for qualifying exigency related to the foreign deployment of a military member who is the employee's Spouse, Child, or Parent.

III. POLICY GUIDELINES AND PROCEDURES

1. Employees are eligible for FMLA leave if they have worked for at least one (1) year and have worked at least 1,250 hours during the preceding 12-month period, which may include service at any Louisiana state agency. For employees not eligible for FMLA leave, LSUHSC-NO will review business considerations and individual circumstances to best support those employees' need for leave related to family or medical conditions.
2. FMLA leave will consist of, and run concurrently with, appropriate accrued paid leave, paid parental leave and leave without pay. Employees must use any available paid leave type before using unpaid FMLA leave. If leave is requested for an employee's own Serious Health Condition, or to care for a Spouse, Child, or Parent who has a Serious Health Condition, the employee must first use all accrued paid sick and annual leave. If leave is requested for any other reason, an employee must first use all accrued annual leave and then the remainder of the leave period will consist of unpaid leave. All such leave, whether paid annual, paid sick, paid parental or leave without pay, will be recorded as FMLA leave.
3. FMLA leave may be taken either on a continuous or intermittent basis. Continuous leave is taken in an uninterrupted block of time, such as when the employee is recovering from surgery or a Serious Health Condition. Intermittent leave may be taken in separate blocks of time due to a single qualifying event, such as for ongoing medical treatment or therapy. Intermittent leave can also be used when the employee requires a reduced work schedule.
4. An application for Family or Medical Leave based on the Serious Health Condition of the employee or the employee's Spouse, Child or Parent must follow an orderly process as defined herein. Employees must contact Human Resource Management (HRM) by e-mailing hrmfmla@lsuhsc.edu for the appropriate leave forms and provide thirty (30) days' advance notice for foreseeable leave, or as much notice as is practicable for unforeseeable leave. Failure to provide adequate notice may result in a delay of the commencement of Family or Medical Leave.
5. An application for Family or Medical Leave based on the Serious Health Condition of the employee or the employee's Spouse, Child or Parent must also be accompanied by a *Certification of Health Care Provider (CHCP)* completed by a health care provider which must state the date on which the condition

commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee has a Serious Health Condition, this *Certification* must state that the employee cannot perform the functions of their job. If the employee is requesting leave to provide necessary care for a Spouse, Child or Parent, the *Certification* must specify this along with an estimate of the amount of time the employee will be needed to provide familial care.

6. The employee may be required to provide recertification of the medical condition to HRM when:
 - a. The employee requests an extension of the FMLA Leave, or
 - b. Circumstances described by the original certification have significantly changed (e.g., the duration of the illness, the nature of the illness, complications), or
 - c. The employer receives information that casts doubt upon continuing validity of the *Certification*, or
 - d. When an employee is unable to return to work after FMLA leave because of the continuation, recurrence, or onset of a Serious Health Condition, thereby preventing LSUHSC-NO from recovering its share of health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave.
7. HRM may require medical certification prior to allowing the employee to return to their essential duties if the reason for the FMLA leave is the employee's own disability.
8. If FMLA leave is taken for birth or placement of a Child for adoption or foster care, Military Caregiver leave, or Qualifying Exigency leave, then intermittent leave or a reduced work schedule may be taken by mutual agreement between the employee and the supervisor. In all other cases, intermittent leave or a reduced work schedule may only be taken when it is medically necessary. An employee on intermittent leave or a reduced work schedule may be required to transfer to an equivalent position if that position would better accommodate the Family or Medical Leave schedule.
9. Employees have the right to take up to twelve (12) weeks of FMLA leave (or up to 26 weeks for Military Caregiver Leave) in a twelve (12)-month period as well as the responsibility to provide timely and complete certification for their FMLA leave request.
10. Employees are protected from retaliation for exercising their FMLA rights. It is unlawful for LSUHSC-NO to interfere with, restrain, or deny the exercise of any right provided under FMLA; or to discharge or discriminate against any person for opposing or complaining about any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. Any employee who believes they have been denied a right under the FMLA should contact the Chief Human Resources Officer or Employee Relations Manager, who will be responsible for resolving such disputes. The U.S. Department of Labor, Wage and Hour Division, is authorized to investigate and resolve complaints of FMLA violations.
11. During a period of FMLA leave, LSUHSC-NO has the obligation to maintain the employee's medical health benefits under the same conditions that applied before FMLA leave commenced according to the following guidelines:
 - a. To continue their medical health coverage during FMLA leave, the employee must continue to make any contributions that they made to the health insurance plan before taking FMLA leave.
 - b. In the case of leave without pay for FMLA purposes, LSUHSC-NO shall continue to pay the employer portion of the health insurance plan premium, and the employee shall be responsible for paying their employee portion of the health insurance plan premium.

- c. If the employee will be on unpaid FMLA leave, a "Continuation of Health Coverage" form must be completed by the employee to arrange for continued payment of their share of the health insurance plan premium during the period of FMLA leave.
 - d. When on leave without pay, if an employee's health insurance plan premium is more than thirty (30) days late, all obligations of LSUHSC-NO as to such coverage shall cease and LSUHSC-NO has the responsibility to recoup any payments it has made.
 - e. If, under these circumstances, the employee's health insurance coverage is canceled, the employee will be reinstated to full health coverage upon their restoration to duty at the same level that was provided prior to the FMLA leave. In such case, LSUHSC-NO may not require the employee to meet any qualification requirements imposed by the medical health insurance plan, including any new preexisting-condition waiting period, to wait for open enrollment or to pass a medical examination to obtain reinstatement of coverage.
12. LSUHSC-NO has the obligation to keep all medical information confidential. Medical records may not be maintained in the employee's personnel file. Additionally, information pertaining to an employee's medical condition may not be released to any individual without the employee's express written consent. All medical information supporting the employee's FMLA request shall be maintained with the employee's FMLA request in HRM.
13. Employees are entitled to job restoration upon return from FMLA leave. Upon return from FMLA leave, an employee will be restored by LSUHSC-NO to their original position or to a position with equivalent pay, benefits, and other terms and conditions of employment. LSUHSC-NO Center cannot guarantee that an employee will be returned to their original job, and HRM will make the final determination as to whether a position is an "equivalent position" to the original.

IV. REFERENCES

[PM-20 Employee Leave](#)

[HRM Attendance & Leave Policy](#)