### POLICY APPROVAL PROCESS DATES

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<th>Category</th>
<th>Entrance Date</th>
<th>Feedback</th>
<th>Review Date</th>
<th>Approval Date</th>
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<td>Policy Drafting and Revision</td>
<td>02/26/2009</td>
<td>Not applicable</td>
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### POST APPROVAL PROCESS

Verify:
- Policy Number
- Section
- Title
- BOT approval
- Approval date
- Effective date
- Proper format of Policy Manual posting
- TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: ____________________________

Date posted and verified: MM/DD/YYYY
1.0 PURPOSE

1.1 The University affirms its compliance with the Family and Medical Leave Act of 1993 (FMLA) and all subsequent amendments.

2.0 REFERENCES

2.2 United States Code, Title 10, Section 101(a)(13)
2.3 UVU Policy #361 Leave of Absence

3.0 DEFINITIONS

4.0 POLICY

4.1 In accordance with federal law, the University provides eligible employees leave pursuant to the provisions under the Family and Medical Leave Act of 1993 and all subsequent amendments.
4.2 Human Resources is responsible for maintaining the University’s compliance with FMLA and for providing information about FMLA to university employees.

5.0 PROCEDURES

5.1 For family and medical leave eligibility requirements, leave entitlements, employee and institutional responsibilities, and leave usage, contact Human Resources or the University’s web site.
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Utah Valley University  
Policies and Procedures

<table>
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<th>Title</th>
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<td>Human Resources</td>
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I. Policy

A. **PURPOSE**

As a supplemental to its other leave policies, Utah Valley University offers family and medical leaves of absence as provided by the Federal Family and Medical Leave Act of 1993 (FMLA).

B. **DEFINITIONS**

1. **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves one of the following:
   a. Inpatient Care, any condition that requires an overnight stay in a hospital, hospice, or residential care facility.
   b. Pregnancy, conditions related to pregnancy.
   c. More than three days of incapacity, a health condition that last for more than three consecutive days that includes two or more treatments by a health care provider; or one treatment by a health care provider with a continuing regimen of treatment.
   d. Chronic health condition, requires periodic visits for treatment by a health care provider and continues over an extended period of time.
   e. Permanent or long-term condition, conditions for which treatment may not be effective, and supervision by a health care provider, not treatment, is required.
   f. Treatment to prevent incapacitation or for restorative surgery, multiple treatment for reconstructive surgery or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

2. **Intermittent Leave** - Leave that is not taken consecutively.

3. **Reduced Leave Schedule** - A leave schedule that reduces the usual number of hours per workweek or hours per workday.

4. **Highly Paid Employees** - The most highly paid 10 percent of salaried eligible employees.

5. **Health Care Provider** - Doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices. The following state-licensed professionals: podiatrist, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), nurse practitioners, and nurse-midwives authorized to practice, and perform within the scope of their practice, as defined under state law. Christian Science practitioners listed with the First Church of Christ, Scientist...
in Boston, Massachusetts. Any health care provider recognized by the institution's group
health plan.

6. **12-Month Period Measured Forward.** An employee is entitled to 12 weeks of
leave in the 12-month period that follows the first date they take FMLA leave. Once this
12-month period has passed, the employee is entitled to 12 weeks of leave starting on the
first day they take FMLA leave again.

C. **GENERAL LEAVE PROVISIONS**

1. An employee must have been employed by the institution for at least one year,
and have worked at least 1,250 hours within the previous 12-month period to be eligible
for FMLA leave. (This criteria is applicable for all employee classifications.)

2. An eligible employee may take up to 12 weeks of unpaid leave within a 12-month
period, calculated using a 12-month period measured forward.

3. An employee may take FMLA leave for (1) the employee's own serious health
condition, (2) the birth or placement for adoption or foster care of a child, or (3) care of a
child, spouse, or parent who has a serious health condition. The 12 weeks' unpaid leave is
in addition to any accrued paid vacation leave, sick leave, or personal leave.

4. Leave to care for a new child must be taken within 12 months of the birth or
placement for adoption or foster care.

5. Employees on FMLA leave that have exhausted their paid leave and are on leave
without pay will receive a reduction in salary according to the number of days away from
work (Faculty reductions will be calculated using their 9-month contract).

6. If spouses are both employed by the institution and seek leave to care for a new
child or parent with a serious medical condition, their combined leave is limited to 12
weeks. FMLA leave not used, because of the combined limit, is eligible to be taken for
any other FMLA purpose within the 12-month period.

7. Intermittent leave or a reduced leave schedule for medical reasons can be taken
under this policy "when medically necessary." Intermittent leave or reduced leave
schedule to care for a new child may be taken only if the employee and the institution
mutually agree to that arrangement.

8. If an employee requests intermittent leave or a reduced leave schedule because of
a serious health condition that is foreseeable based on planned medical treatment, the
institution may require the employee to transfer temporarily to an alternative position for
which the employee is qualified and that has equivalent pay and benefits and better
accommodates recurring periods of leave.

D. **NOTICE**

1. If the need for leave is foreseeable based on an expected birth or placement of a
child, the employee who intends to take leave should give at least 30 days notice before
the leave is to begin. If the situation requires leave to care for a child to begin in fewer
than 30 days, the employee should provide such notice as is practicable.
2. If the need for leave is foreseeable based on planned medical treatment, the employee should (1) make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of the institution, and (2) give at least 30 days notice before the leave is to begin. If the situation requires that leave begin in fewer than 30 days, the employee should provide such notice as is practicable.

E. BENEFITS AND EMPLOYMENT STATUS

1. At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits. Reinstatement may be denied to certain highly paid employees under some circumstances. Denial of reinstatement does not apply to leaves taken by highly paid employees due to their own serious medical conditions.

2. FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. No seniority or benefits will accrue while an employee is on unpaid FMLA leave, however.

3. An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as during regular employment.

4. Employees that choose not to return to work after taking FMLA leave may be required to reimburse the institution for the institution's portion of health insurance premiums paid while the employee was out on unpaid FMLA leave.

5. Whether an employee returns to work or not, after taking FMLA, the employee is responsible for paying the employee's portion of health insurance premiums and any other payroll deductions the employee has elected.

F. CERTIFICATION

1. The institution may require that an employee provide certification of a serious health condition upon which a request for FMLA leave is based.

2. Certification must include: (1) date of onset of condition, (2) expected duration, (3) appropriate medical facts regarding the condition, and (4) a statement that the employee is needed to care for a spouse, parent, or child (and the estimated time required), or a statement that the employee is unable to perform his or her job functions. If intermittent leave is requested, the certification must also include dates and durations of treatments to be given.

3. The institution may require that a second opinion be obtained at the institution's expense. If there is a conflict in the two opinions, the institution may require, at the institution's expense, a third mutually agreed upon health care provider to render an opinion, which is final and binding.

4. The institution may require subsequent re-certification on a reasonable basis at the institution's expense.

5. If an employee has taken FMLA for the employee's own serious health condition which rendered him/her unable to perform their job, and the employee is employed in a
position where bringing the employee back to work before they have fully recovered
could cause harm to the employee and/or the employee's coworkers, the institution may
request a fitness-for-duty certification before the employee can return to work from
FMLA. The cost of the fitness-for-duty certification is paid by the employee.

G. FULL-TIME SALARIED EMPLOYEES

1. In addition to meeting the requirements of FMLA, full-time salaried employees
with a minimum of one-year of service may be granted additional time off without pay
and benefits:
--- Upon the birth or adoption of the employee's child, or
  a. For the care of a spouse, child, or parent with a serious medical condition. The
     additional time permitted will be 40 weeks (12 weeks under the terms of the Family
     Medical Leave Act, and 40 weeks in addition, for a total of 52 weeks, or one year.)
     Employees taking such leave may use any combination of sick leave, annual leave,
     personal leave, or leave without pay up to the 12 month leave limit. An employee may
     be required to provide a doctor's statement verifying the continued medical treatment
     of the illness as defined above.

2. Applicants shall submit one month advance notice, where possible, prior to the
   requested beginning date. The application should include the expected length of leave.
   Covered employees may be granted up to ten (10) working days of paid leave for birth or
   adoption.

3. Benefits remain intact while employees are on paid sick leave, annual leave, or
   personal leave. At the conclusion of the 12-week FMLA leave period, or when all paid
   leave has been used (if longer than 12 weeks) benefits cease for the balance of the 12-
   month period. Employees may then make arrangements to continue benefits at their own
   expense.