

UMS Family Leave Policy

General Information

An employee who requests leave for the employee's own serious illness (including a workers' comp injury), the birth or adoption of a child, care for a sick family member who is eligible, or for Military Family Leave for a qualifying exigency for leave under the federal [Family and Medical Leave Act \(FMLA\)](#) is entitled to up to 12 weeks of unpaid FMLA leave each year. Employees may request Military Family Leave to care for a covered service member with a serious injury or illness and are entitled to up to 26 weeks of leave in a year.

The University places an eligible employee on a medical leave when the absence from work is for two weeks or longer. Disability leave, annual leave, compensatory time, and leave without pay¹ may be used during the period of medical leave as explained below and in accordance with applicable University policies.

An employee who does not qualify for federal FMLA leave may qualify for leave under the Maine Family Medical Leave Law or other University policy. Employees are encouraged to submit the Request for Medical Leave in all situations to ensure eligibility is thoroughly reviewed and determined.

Birth of a Child

Employees who give birth

Leave requests up to 12 weeks for the birth of a child must be granted under FMLA if the employee meets the eligibility requirements. The leave may be taken anytime during the first year after the birth.

A birth parent who gives birth to a child may use accrued *disability leave for the period of time during which the employee is medically unable to work before and/or after the birth. Use of disability leave will normally be approved for six weeks following a birth without requiring a doctor's certification. Longer use of disability leave is appropriate if the mother has a serious medical condition as defined by the FMLA; it requires a doctor's certification of medical necessity. If a birth parent does not have enough accrued disability leave to cover the period during which birth parent is unable to work, she may use any accrued annual leave or compensatory time, and/or request a leave without pay¹. Leave requests for more than 12 weeks require the supervisor's approval.

In unusual circumstances where the birth parent is medically unable to work for more than six months, the employee should apply for long-term disability benefits.

If a birth parent would like leave to care for the infant beyond the period during which the employee is medically unable to work, the employee may use annual leave or compensatory time. When annual leave and compensatory time are exhausted, the employee may request leave without pay¹ for up to one year (12 weeks for employees in the Police Unit). Extensions of unpaid leave beyond this limit may be approved under some leave policies.

For faculty members, time spent on leave without pay for personal reasons will not count toward the probationary period for tenure unless mutually agreed in writing by the university President and the faculty member.

Employees who are spouses or domestic partners

Leave requests up to 12 weeks for the birth of a child must be granted to a spouse under FMLA if the employee meets the eligibility requirements. Although the Federal FMLA does not cover domestic partners, the Maine FMLA provides up to ten weeks of leave to an employee whose domestic partner gives birth to a child. The leave may be taken anytime during the first year after the birth.

Upon birth of a child, a spouse or domestic partner may use disability leave (within policy limitations), annual leave, compensatory time, and/or leave without pay¹.

The employee may use disability leave only for the time period during which the employee is needed to provide family care due to the birth mother's disability. An employee may use up to ten days of disability leave each year for absences resulting from the birth of a child to care for family members without being required to provide a doctor's certification. Longer use of disability leave – up to a total of 20 days annually for salaried employees and up to half the total of accrued disability leave for hourly employees – is permitted when the employee's presence is needed to care for the mother's serious medical condition. Such extended use of disability leave requires a doctor's certification of medical necessity. Faculty may use up to 30 days of disability leave annually to provide care for a newborn child. Disability leave may be supplemented by annual leave, compensatory time, or leave without pay¹ if approved.

Annual leave, compensatory time, or leave without pay¹ may also be used beyond the period for which disability leave is appropriate, up to six months for Service & Maintenance and Police Unit employees and up to one year for all other employees.

Adoption

Either parent may request leave at the time of adoption of a child. The federal FMLA provides all employees with up to twelve weeks of leave following adoption or placement of a child; Maine FMLA provides employees whose domestic partner adopts a child up to ten weeks of leave following adoption or placement. Faculty may use up to 30 days of accrued disability leave for adoption, and salaried employees up to 20 days for an adoption that requires the employee's presence (such as foreign travel for an international adoption, or agency requirements that a parent remain home with a child after placement). All employees may use annual leave, compensatory time, and leave without pay¹ during the adoption.

Placement of a foster child is treated like adoption for purposes of employee leave requests.

Illness of a Family Member

***Disability leave** may be used when an employee needs to care for an ill or injured family member in the following circumstances. Faculty may use up to 30 days and salaried employees up to 20 days of disability leave for this purpose each fiscal year. For hourly employees, up to half of accrued disability leave may be used for this purpose. Use of disability leave is appropriate when a family or household member requires care. For a child, even a minor illness or injury meets this standard because the child cannot be left unattended. When an adult family member is ill or injured, disability leave is appropriate only when the employee's presence is required to care for the disabled family member or other family members.

Each [collective bargaining agreement](#) and [employee handbook](#) defines the family members covered by this policy.

If time is needed beyond the maximum disability leave allowed or accrued, the employee may request permission to use annual leave, compensatory time, or leave without pay¹.

Leave up to 12 weeks per year must be granted if the family member's condition qualifies as a serious medical condition under the FMLA. When the leave is to care for a sibling, domestic partner or domestic partner's child, the leave is covered under the State FMLA and allows for up to ten weeks leave in a two year period.

Family Military Leave

Employees who are eligible for FMLA leave and who have a family member in the National Guard or Reserves who is on or called to active duty may use their 12-week entitlement for certain qualifying circumstances, such as attending military events, briefings, or counseling, arranging for alternative childcare or making financial and legal arrangements. [Certification of the qualifying exigency for military family leave](#) may be required.

Eligible employees are entitled to up to 26 weeks in any one-year period to care for a family member who incurred a serious illness or injury in the line of duty in the Armed Services, including the National Guard or Reserves. [Certification for serious injury or illness of covered servicemember for military family leave](#) may be required.

Under State law, when an employee's spouse, domestic partner, or child who is a Maine resident is deployed for military leave in a combat theater or an area where armed conflict is taking place for 180 days or longer, the employee may take up to 15 days of leave. The leave may be taken during the 15 days immediately before deployment, the 15 days immediately after deployment, or 15 days during the deployment, or any combination.

Employees may use a combination of accrued annual leave and compensatory time during family military leave. An employee who exhausts all paid leave may request leave without pay¹ and may continue benefits coverage at the active employee premium rates.

If the leave will last five or more consecutive workdays, the employee must give at least 14 days advance notice. An employee taking leave for fewer than five consecutive workdays must provide advance notice as practicable. The maximum amount of FMLA leave that an employee may take for all FMLA-qualifying reasons in any 12-month period is 26 weeks.

Benefits Coverage During Leaves

While on an approved paid leave of absence (including disability leave, annual leave, and compensatory time), you will continue to be eligible to receive university benefits. All benefit deductions will continue to be deducted normally from your pay for the benefits, in which you are enrolled at the time of the leave.

While on an approved unpaid leave of absence, you will need to pay applicable premiums to continue to receive the same elected university benefits as when you were actively working. If your leave is expected to last longer than one full calendar month, you will receive an invoice for the monthly amount of your benefits. For partial months not invoiced in which pay is not sufficient to deduct the employee contribution rates,

unpaid amounts will accumulate and be deducted from any future pay. Any amounts still due at time of termination will be withheld from your final paycheck.

- [Employee Benefits Continuation during Leaves of Absences](#)

Medical Release to Return to Work

An employee who has been on leave for 20 days or longer due to his or her own medical condition is required to provide [medical documentation](#) of the employee's ability to return to work.

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¹Available accrued paid leave (both disability leave and annual leave) must be used (in accordance with applicable University Policies) before you may take an unpaid family/medical leave, except that you may reserve up to one week of annual leave and may use, but are not required to use, accrued leave if you are receiving Short-Term Disability benefits while on approved FMLA.

The employee and domestic partner must complete an Affidavit of Domestic Partnership available from the Employee Benefits Center.

In compliance with Federal law, health care providers are informed not to provide genetic information.

Under State law, an employee is eligible for family medical leave to care for a sibling if the employee and sibling are jointly responsible for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

Faculty with academic-year appointments and salaried employees whose appointments do not require work during periods when the university student population is absent do not accrue annual leave.