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Summary of Family and Medical Leave Act (FMLA) Leaves:

Villanova University respects the personal obligations and unforeseen events in the lives of our faculty and staff and will grant an unpaid leave of absence to eligible faculty and staff as set forth in the Family and Medical Leave Act (FMLA or Act).

FMLA leave runs concurrently with sick leave, short-term disability, workers compensation and parental/adoption leave.

Description of FMLA Leaves: Eligibility Requirements

Faculty and staff who are eligible for FMLA leave are those who have worked for the University at least twelve (12) months and for at least 1,250 hours during the 12-month period immediately preceding the start date of the requested leave.

Qualifying Events:


In accordance with the FMLA, eligible faculty and staff may take up to twelve (12) weeks of paid, unpaid or a combination of paid and unpaid leaves during any 12-month period under the following circumstances:

- for incapacity due to pregnancy, prenatal medical care or child birth
- to care for the employee’s child after birth
- for the placement and care of a child for adoption or foster care
- to care for the faculty/staff member’s spouse, son, daughter or parent with a “serious health condition,” as defined below;
- their own “serious health condition” that makes them unable to perform the functions of their job; or
- any “qualifying exigency” arising out of the fact that the faculty/staff member’s spouse, son, daughter or parent is a member of the National Guard or Reserves either 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 or arising out of the deployment of a member of the Regular Armed Forces to a foreign country.

The twelve (12) month period is measured forward from the first day any absence covered under this FMLA program is taken as determined by the Office of Human Resources.

A “qualifying exigency” is defined as leave for: short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; and post-deployment activities.

In addition, the University will provide up to twenty-six (26) weeks of paid and unpaid leaves during any “single twelve (12) month period” to care for a spouse, son, daughter, parent, or next of kin (nearest blood relative) who is a member of the armed forces or veteran and who is undergoing medical treatment or who is medically unfit to perform military duties due to a serious injury or illness incurred while on active duty, and that began within five (5) years of active duty. This FMLA leave entitlement is

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applied on a per-covered service member, per-injury basis, except that no more than twenty-six (26) weeks may be taken in any single twelve (12) month period. (Note: the “single twelve (12) month period” begins on the first day the eligible faculty/staff member takes this type of leave and ends twelve (12) months after that date.)

A covered service member is: (1) 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 temporary disability retired list, or a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five(5)-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

Also, eligible faculty/staff members may take up to fifteen (15) days of “Rest and Recuperation” FMLA leave to spend with a covered family member, as defined above; and parental care leave is available for caring for the service member’s parents when the parent is incapable of self-care.

Further, an eligible faculty/staff member is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any FMLA qualifying reason during the “single twelve (12) month period.”

***The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

1. *The leave to care for a newborn child or for a newly placed child must conclude within twelve (12) months after the birth or placement.*
2. *The “single twelve (12) month period” begins on the first day the eligible employee takes this type of leave and ends twelve (12) months after that date.*


Parental/Adoption Leave

Eligible faculty/staff member(s) may also qualify for leave under the University’s Parental/Adoption Leave policy. All full-time staff members are eligible to take up to eight (8) weeks of parental leave starting on the first of the month following their hire date. All full-time faculty members are eligible to take up to one semester of leave upon hire. This leave will run concurrently with FMLA as stated above.

Explore the Villanova Interactive Guide to Parental Leave for more detailed information and to download your leave checklist. Visit [Learn@Nova](#) and search for [Interactive Guide to Parental Leave](#).

Villanova Married Couples

If both spouses are eligible for FMLA leave and employed by the University, each faculty/staff member is permitted to take twelve (12) weeks of FMLA leave during any 12-month period for the birth of a newborn, placement of a child for adoption or foster care, or to care for a covered service member with a serious injury or illness.

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Care for Family Members

Eligible faculty/staff member(s) who are approved for FMLA leave for absences from work due to the care of their spouse, son, daughter or parent with a “serious health condition” (as defined below), may use up to two (2) weeks of available sick time for this purpose, per approved FMLA event.

Intermittent or Reduced Schedule Leave

An eligible faculty/staff member does not need to use their FMLA leave in one consecutive block of time. FMLA leave may be taken intermittently or on a reduced schedule basis when medically necessary. Faculty/staff members requesting intermittent or reduced leave must make reasonable efforts to schedule the leave to minimize disruptions to their department. FMLA leave due to a “qualifying exigency” may also be taken on an intermittent or a reduced schedule basis. Each hour the faculty/staff member who reduces their schedule, will be added towards the maximum 12-weeks or 26-weeks of unpaid leave.

Faculty/staff members are permitted to take intermittent leave following the birth or placement of a child, at the discretion of the University, if agreed upon in advance with the faculty/staff member’s department head/supervisor and the Office of Human Resources.

Faculty/staff members on intermittent or reduced schedule leave may be temporarily transferred to a different available position in which the pay and benefits remain the same, but the duties better accommodate the periods of leave. When the leave no longer needs to continue, the University will then reinstate the faculty/staff member to the same or equivalent position in which they are working when the leave commenced.


Medical Certifications:

When submitting requests for FMLA leave, faculty/staff members must also include a health care provider's statement verifying the need for FMLA leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the Office of Human Resources. Faculty/staff members returning from medical leave must also submit a health care provider's verification of their fitness to return to work.

Medical certification forms can be found on the [Leave of Absence](#) website. Medical certifications must be submitted to the Office of Human Resources. Under no circumstances, are certification forms to be submitted to the faculty/staff member’s own supervisor. The University may require a second or third medical opinion at the University’s expense.

Faculty/staff members will be required to provide periodic reports to the University of the faculty/staff member’s status and intent to return to work.

Please Note that Title II of the Genetic Information Nondiscrimination Act (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of individuals or their family members. To comply with this law, no genetic information should be provided

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when responding to the request for medical information. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, or the fact that an individual or an individual’s family member sought or received genetic services.

Medical Recertification:

Recertification generally may be requested every thirty (30) days, but only in connection with an absence that has occurred for the medical condition for which the FMLA leave was requested. A recertification may be required at any time if an extension of a leave is requested, circumstances described in the last certification have changed, or the University receives information casting doubt on the faculty/staff member’s stated reason for an absence or the continuing validity of the last certification.

Definition of a Serious Health Condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care, or continuing treatment by a health care provider for a condition that either prevents the faculty/staff member from performing the functions of the faculty/staff member’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment required may be met by a period of incapacity of more than three (3) consecutive, full calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy or prenatal care, or incapacity due to a chronic condition. Other permanent and long-term conditions, as well as conditions requiring multiple treatments, may also meet the definition of continuing treatment.


How to Apply for an FMLA Leave:

Requests for family and medical leave must be made to the Office of Human Resources in writing, by completing the [Request for FMLA Leave Form](#) in accordance with the University’s procedures, at least thirty (30) days in advance for foreseeable events, where possible, and as soon as practicable for unforeseen circumstances. Faculty/staff members requesting an FMLA leave also must complete a Provider Certification for their own or their family member’s serious health condition. In all cases, faculty/staff are required to use the University’s normal call-in procedures to notify their department head/supervisor of the need to take leave.

Impact on Salary and Benefits:

FMLA leaves are without pay, except as provided below.

Faculty/staff may be eligible to receive, or the University may require faculty to use sick and staff to use sick and/or vacation days concurrently with all FMLA leaves. A faculty/staff member’s ability to use sick and vacation days concurrently during FMLA leave is also subject to the University’s normal sick and vacation day policies. However, sick days may only be taken concurrently with FMLA leave for the faculty/staff member’s own serious health condition or for Parental/Adoption leave.

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All sick days will be applied to the twelve (12) week maximum allowed under FMLA. The University will grant an additional period of unpaid FMLA to bring the total paid and unpaid leave to twelve (12) weeks. Staff members granted leave will be required to use at least one-half of the current year’s vacation balance before taking unpaid leave. Staff members may not use vacation time for FMLA related purposes to lengthen the time off beyond twelve (12) weeks.

In addition, a faculty/staff member may also be eligible for pay pursuant to the University’s disability benefits plan or workers compensation payments, subject to their eligibility requirements and other terms, conditions, restrictions and exclusions. In such cases, the University will concurrently designate the period of time in which the faculty/staff member receives those benefits as FMLA leave and count the time toward the faculty/staff member’s FMLA leave entitlement. Please visit the [Leave of Absence](#) website to reference the [Sick Leave](#) policy and [Short-Term Disability \(STD\)](#) plan descriptions for additional information.

Subject to the terms, conditions, and limitations of the applicable plans, the University will continue to provide health and other group insurance benefits during the faculty/staff member’s leave of absence, provided the faculty/staff member pays their share of the premiums.

Faculty/staff enrolled in the healthcare benefit plans (medical and dental), as well as supplemental life and dependent life prior to being on an FMLA leave, will continue to receive these benefits while on FMLA leave and will continue to have contributions taken from their pay, provided the faculty/staff members are being paid sick or vacation days by the University. If the FMLA leave is unpaid, faculty/staff members will be billed by the University for their portion of the premiums.

Faculty/staff will continue to receive employer paid basic Life and AD&D benefits as well as Long Term Disability, Employee Assistance Plan, Tuition and other benefits in which they are enrolled.


The 403(b) Retirement Savings Plan would continue as if an employee is actively at work.

Return to Work:

So that a faculty/staff member's return to work can be properly scheduled, a faculty/staff member on family or medical leave is requested to provide the University with at least two weeks advance notice of the date the faculty/staff member intends to return to work. When FMLA leave ends, the faculty/staff member will normally be reinstated to the same position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, subject to the provisions of the Act. If a faculty/staff member fails to return to work on the agreed upon return date, the University will assume that the faculty/staff member has voluntarily resigned from the University.

The University’s Responsibilities under the FMLA: FMLA Enforcement

The University will inform faculty/staff members requesting leave whether they are eligible under FMLA. If the faculty/staff member is eligible, the University will provide a notice specifying any additional information required as well as the employee’s rights and responsibilities. If the University determines

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that a faculty/staff member is not eligible, the University will provide the faculty/staff member with a reason for the ineligibility.

The University will inform the faculty/staff member whether the leave requested will be designated as FMLA leave and the amount of leave that will be counted against the faculty/staff member’s FMLA leave entitlement. If the University determines that the faculty/staff member’s leave is not FMLA protected, then the University will notify the faculty/staff member.

The University cannot and will not interfere with, restrain, or deny the exercise of any right provided under the FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Any faculty/staff member who has concerns or complaints regarding FMLA should contact the Office of Human Resources. A faculty/staff member may file a complaint with the U.S. Department of Labor or may bring a private lawsuit. The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For additional information: 1-866-4US-WAGE (1-866-487-9243); TTY 1-877-889-5627; www.wagehour.dol.gov.

Questions regarding this policy should be directed to the [Office of Human Resources](#).