

Clarification of Family Caregiving Leave

Rationale:

Employees are expected to make every reasonable effort to attend work regularly and consistently; however, we recognize the complexity of family circumstances and health care services, and wish to support employees in their family responsibilities during an immediate family member's illness or injury. In situations when an employee is unable to limit caregiving to non work hours, Family Caregiving Leave is available to employees with accrued sick leave to assist with responsibilities in the care and necessary attention of an ill or injured immediate family member.

Leave Availability:

The use of Family Caregiving Leave requires that the employee's immediate family member is ill or injured as defined below and the employee's presence is needed to provide care of and necessary attention to the immediate family member. Both criteria must be met for the employee to use Family Caregiving Leave.

The employee must have the adequate amount of accrued sick leave to cover the absence since the use of Family Caregiving Leave is subtracted from the employee's sick leave.

The maximum usage per year of Family Caregiving Leave includes the current calendar year allowance of up to 40 hours (pro-rated for part-time), as well as any unused allowance from the previous calendar year, up to 80 hours in total (pro-rated for part-time).

For employees covered by a collective bargaining agreement, the carryover of the unused allowance from the previous year applies if the benefit has been negotiated and is contained in the agreement.

Definitions

Ill or Injured:

Ill or injured means that the family member has a health, medical, physical or mental condition or impairment, or has been injured through some form of mishap or accident.

Care of and Necessary Attention to:

"Care of and necessary attention to" means the UI employee's active involvement and presence is needed. Without the employee's active involvement and presence

- a health/medical visit or treatment would not occur;
- the health/medical treatment or visit would be compromised, or communication with the health care practitioner would be significantly diminished.

Immediate Family:

Immediate family means the employee's spouse/domestic partner, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse/domestic partner and other persons who are members of the employee's household.

Clarifications and Examples:

Examples of care and necessary attention for ill or injured family members that meet the definition of Family Caregiving Leave include:

- transporting the family member to and/or from health/medical appointments related to illness or injury;
- facilitating communication with the health provider helping to understand health care recommendations and to make health care decisions helping to coordinate health care treatment and follow-up;
- providing information to health care personnel regarding insurance/sources of payment;
- monitoring and/or administering treatments, therapies or medicines; or
- providing direct care to a family member to help the individual meet personal needs that cannot be met during non-work hours.

Childbirth:

The amount of leave available is subject to the limitations in the earlier section of this document "Leave Availability".

Faculty, Professional and Scientific, Merit Supervisory Exempt and Confidential

A biological mother is presumed to be ill during a period of recovery following a birth. Intermittent or continuous Family Caregiving Leave is available to the father or registered domestic partner during the labor, birth, delivery and the biological mother's period of recovery which is typically six weeks following the birth.

AFSCME

An employee covered by the AFSCME bargaining agreement who is the father or registered domestic partner may use sick leave as Family Caregiving Leave for the delivery/birth of his/her child.

SEIU

An employee covered by the SEIU bargaining agreement who is the father or registered domestic partner may use Family Caregiving Leave during the birth/delivery of his/her child.

SEIU and AFSCME

A father or registered domestic partner who is an employee covered by the SEIU or AFSCME bargaining contract may be able to use intermittent or continuous Family Caregiving Leave after the biological mother's discharge from the hospital which is typically the six weeks of recovery, if the wife/partner meets the definition of ill and injured and if the father/partner is needed to provide care and necessary attention.

Well Health Examinations:

Dental, well-baby and physicals or examinations that do not involve illness or injury are not covered by Family Caregiving Leave.

Travel Time:

Travel time, will be included as Family Caregiving Leave if the travel occurs during the employee's work schedule and is required to transport self or the ill or injured family member to receive or provide necessary care and attention as described above.

Elder Care:

Family Caregiving Leave is available to care for an aging parent or relative (see definition of immediate family member). The aging parent or relative must meet the criteria of being ill or injured and the employee is needed to provide care and necessary attention as described above. The illness or injury can include a chronic condition, and the event can be a scheduled appointment.

Documentation:

Departments may request verification of the family member's illness or injury and needed presence of the employee by using the FMLA Health Certification or Family Member Medical Request Form as applicable.

Related Policy Considerations:**Operations Manual**

Part III Chapter 22.3.c.2.b

"In the event that the faculty or staff member does not have accrued sick leave, Family Caregiving leave is not available. However, the department or unit is encouraged to permit the faculty or staff member to use vacation or leave without pay to respond to family-related responsibilities."

Family Caregiving Leave and Family Medical Leave Act (FMLA)

Family Caregiving Leave and FMLA are separate programs; not all Family Caregiving Leave will qualify under FMLA, FMLA covers more absences due to the serious health conditions of family members and FMLA family members are defined more narrowly than Family Caregiving Leave. When events do meet both eligibility criteria, they will be administered concurrently.