



08.226 FAMILY ILLNESS LEAVE

Authority: Chancellor

History: Revised August 2017; Revised January 2012; July 31, 2006

Source of Authority: Senate Bill 1115, Section 29.3B; State Human Resources Manual

Related Links: Office of State Human Resources Manual: [Family and Medical Leave Policy](#) and [Family Illness Leave Policy](#); [Policy 08.225 Family and Medical Leave Act](#)

Responsible Office: Human Resources

I. Purpose

The purpose of this policy is to provide time off work for an employee to care for the employee's child, parent, or spouse, where that child, parent or spouse has a serious health condition. It is not provided for the employee's own personal illness. Family Illness Leave provides a limited extension of benefits beyond the 12 weeks provided under Family and Medical Leave ([Policy 08.225](#)). Family Illness Leave does not run concurrently with Family and Medical Leave. Eligibility for Family Illness Leave begins only after the Family and Medical Leave benefit is fully exhausted. An employee may not waive his/her Family and Medical Leave benefit by instead choosing to go on Family Illness leave.

II. Scope

All full-time and part-time permanent, probationary or time-limited employees including SHRA, EHRA non-faculty, and Faculty are eligible for Family Illness Leave provided they have 12 months total service with the state and have been in a pay status at least 1,040 hours during the previous 12 months. Temporary SHRA, temporary EHRA employees, or temporary Faculty are not eligible for Family Illness Leave.

III. Characteristics of Family Illness Leave

A. Amount of Leave

An eligible employee is entitled to up to 52 weeks of leave without pay during a 5-year period to care for the employee's seriously ill child, spouse, or parent. Example: An employee could take 24 weeks of leave beginning January 1, 2018. The employee would then be eligible for the balance, 28 weeks, up until January 1, 2023. Then, a new 5-year period would begin when the employee

commences another leave without pay for this purpose. All periods of leave, whether with or without pay, used for Family Illness Leave count towards the 52 workweeks to which the employee is entitled. This includes leave taken under [Policy 08.220 Voluntary Shared Leave Program](#).

B. Use of other Leave for Continuation of Pay

Although this leave is without pay, employees may elect to cover some or all of the period of leave taken under this policy through the use of vacation, bonus, sick or voluntary shared leave. Leave earned under [Policy 08.211 Compensatory Time \(Overtime\)](#) may also be used.

C. Continuation of Benefits

While on unpaid Family Illness Leave, the employee may continue coverage under the State's Health Insurance program by paying the full premium cost (no contribution by the State). Employees may continue other state insurance programs by sending a monthly check to the payroll office in order to cover the cost of premiums.

D. Intermittent Leave or Reduced Work Schedule

Family Illness Leave may be taken all at one time or intermittently. If taken intermittently, it must be taken in units of one hour or more. If taken intermittently or on a reduced work schedule, any portion of a week will equal one week of Family Illness Leave.

If the employee is in non-pay status more than 1,040 (26 weeks) hours through use of Family Illness Leave or otherwise, the employee would not qualify for Family and Medical Leave the following year since the required 1,040 hours in pay status within the previous year would not be met.

E. Employee Responsibilities

1. The employee who requests this leave shall:
 - a. Apply in writing to the supervisor for leave;
 - b. Provide certification or recertification required by the university;
 - c. give written notice of intention to return to work at least thirty (30) days prior to the end of the leave; and
 - d. return to duty within or at the end of the time granted, or notify the university immediately when there is a decision not to return.

2. Failure to provide certification or recertification required by the university may result in dismissal for unacceptable personal conduct or separation due to unavailability for work.
3. If the employee does not give notification of the intention to return, the university is not required to provide reinstatement, but may do so at its discretion. Failure to report at the expiration of a leave, unless an extension has been requested and approved, may be considered a resignation.

F. Department and University Responsibilities

1. Supervisors must notify Human Resources when a request for Family Illness leave is received. Human Resources will work with the employee to obtain the required medical certifications and advise the supervisor when certification has been received. The same medical certifications are required for Family Illness Leave as are required for Family and Medical Leave. Departments must continue to track any use of vacation, bonus and sick leave or accrued comp time, and notify Human Resources when the employee's leave balance is not sufficient to continue salary payment for the following month.
2. Provided the employee meets all requirements, the university must reinstate the employee to the same position or one of like status and salary unless other arrangements are agreed to in writing in advance of the employee's return to work.
3. Should an employee transfer from the University to another state agency or university, Human Resources must record dates and usage of Family Illness Leave.

G. Grievance and Appeal Rights

Denial of legitimate leave requested is grievable for SHRA employees and eligible for appeal by EHRA employees.