



<b>Title:</b> <b>Family Medical Leave Act (FMLA) Policy</b>	<b>Policy Category:</b> <b>Human Resources</b>
<b>Issuing Authority:</b> <b>Administration &amp; Finance</b>	<b>Responsibility:</b> <b>Human Resources</b>
<b>Publication Date:</b> <b>11/18/2022</b>	<b>Next Review Date:</b> <b>11/18/2025</b>

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### **Policy Statement/Background:**

None

### **Policy:**

Eligible employees may be granted a Family Medical Leave of up to 12 weeks of unpaid leave (or paid leave; **the provisions set forth in the Attendance Rules and Collective Bargaining Agreements or the Research Foundation of SUNY as applicable, continue to govern the use of any paid leave**) in a calendar year (for State employees) and a "rolling" 12 month period (for Research employees) including long term care and intermittent care for the purpose of: (1) caring for a child following his/her birth, adoption or foster care placement (must be taken within 1 year of the event); (2) caring for a spouse, child or parent with a serious health condition; (3) for the employee's own serious health condition which renders the employee unable to perform any of the essential functions of their position; (4) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or (5) twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

## **Eligibility**

The following requirements must be met in order to meet the service requirements for the Family Medical Leave Act (FMLA):

- The employee must have been employed for at least 12 cumulative months on the date FMLA leave is to begin. An employee's total service must be counted when determining if the employee has completed the required 52 cumulative weeks of service, regardless of any breaks in service and regardless of the percentage of time paid during each of the 52 weeks. A week counts toward the 52 weeks if the employee was paid for any portion of that workweek.
- The employee must have worked a minimum of 1,250 hours during the 52 consecutive weeks immediately preceding the date FMLA leave is to begin. When counting the number of hours necessary to meet this 1,250-hour threshold, the University must include all hours the employee actually worked. The law does not include paid leave time such as holiday, vacation, sick, sick leave at half-pay, STD, worker's compensation leave, personal leave, military leave, leave for jury duty or witness leave as time worked toward the 1,250-hour minimum.

## **Conditions of Approved FMLA Leave**

- Medical certification will be required.
- The employee shall give thirty (30) days written notice if possible.

## **Definitions:**

None

## **Contact:**

Additional information about this policy is available here:

## **Human Resource Services**

**West Campus, Health Sciences, and School of Medicine**  
390 Administration Building  
Stony Brook, NY 11794  
(631) 632-6181

**Stony Brook University Hospital**

31 Research Way, Suite 200  
East Setauket, NY 11733  
(631) 444-4700

**Long Island State Veterans Home (LISVH)**

100 Patriots Road  
Stony Brook, NY 11790  
(631) 444-8617

**Relevant Standards, Codes, Rules, Regulations, Statutes and Policies:**

- [Stony Brook Human Resources Website, Leave Benefits](#)
- [U.S. Department of Labor, Wage and Hour \(WHD\) Division Website](#)
- [FMLA Certification of Healthcare Provider-State Employee](#)
- [FMLA Certification of Healthcare Provider-State Employee's Family Member](#)
- [Certification of Qualifying Exigency for Military Family Leave](#)
- [Certification of Serious Injury or Illness of Covered Servicemember/Military Family Leave](#)
- [Certification of Serious Injury or Illness of a Veteran for Military Caregiver Leave](#)
- [FMLA Leave Request Form-State \(HRSF0003\)](#)