

FAMILY AND MEDICAL LEAVE

Excerpts from [System Regulation 31.03.05](#), Family and Medical Leave, revised in July 2009, follow:

Titles I and IV of the Family and Medical Leave Act of 1993 ("Act" or "FMLA") apply to the System and its components.

System components must grant eligible employees up to 12 workweeks of leave during a fiscal year for one or more specified family and medical emergencies. . . . All eligible paid leave must be used before the employee can take unpaid leave.

An eligible employee who takes FMLA leave is entitled to be returned to the same position that the employee held when the leave commenced or to an equivalent position with equivalent benefits, pay and other terms and working conditions of employment. In order to deny restoration to employment, the system member must show that the employee would not otherwise have been employed at the time reinstatement is requested. The employee's right to reinstatement does not override any other action a system member is entitled to take under any other system policy.

It is unlawful to interfere with, restrain or deny the exercise of any right provided by the FMLA or to discharge or in any way discriminate against any individual because the individual opposed or complained about any unlawful practice under the FMLA, filed a charge or gave information or testified in connection with any inquiry or proceeding related to the FMLA.

An employee who is not eligible for FMLA leave may be eligible for parental leave under state law, as described in Section 11 of this regulation, for the birth of a natural child or the adoption or foster care placement of a child younger than three (3) years.

System Regulation 31.03.05 provides detailed information about family and medical leave. In addition to defining relevant terms, the regulation addresses the following topics: employee eligibility requirements, reasons permitted for taking leave, duration of leave, notice and certification requirements, benefits during leave, responsibilities of System components, and parental leave. The regulation is included in the System Policy and Regulation Manual, which is accessible at:
<http://www.tamus.edu/legal/policy/policy-and-regulation-library/#Policies%20and%20Regulations>.

Information on family and medical leave is also available from the Office of Human Resources.

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