

## HUMAN RESOURCES POLICY – CERTIFICATION NEEDED FOR LEAVES OF ABSENCES – FACULTY & STAFF

This policy is applicable to all employees (faculty and staff) of the University of Portland.

This policy covers the certification employees are required to provide when they request a leave of absence under any of the following laws: Family & Medical Leave Act (FMLA); Oregon Family Leave Act (OFLA); military leave laws; domestic violence, harassment, sexual assault or stalking related leave under Oregon law; and crime victim's leave under Oregon law. (These types of leave are referred to in this policy as "Protected Leave.") Types of FMLA and OFLA leave are listed in footnote 1 below.<sup>1</sup>

An employee who seeks Protected Leave may provide certification by personally attesting to the reason for leave. The Leave Request Form will have a section for this personal attestation. This means that the employee can personally verify the reason for leave and does not have to provide certification from a health care practitioner or other source if more relevant to the situation. However, certification from a health care practitioner, or other source if more relevant to the situation, must be submitted to Human Resources in the following situations:

- Employee requests that intermittent leave (*i.e.*, non-continuous absence days) be approved as a leave of absence.
- Employee has a written warning in the employee's personnel file with Human Resources regarding excessive, abuse, and/or misuse of absences and the written warning was received in the last 24-month period.
- Employee has had one or more unapproved absence days (*i.e.*, absences not specifically approved by Human Resources as covered by FMLA, OFLA, sick time, vacation time, other type of paid time off such as bereavement, or other applicable leave laws) during the last 12-month period.
- There is reasonable basis for the University, as verified by Human Resources, to be concerned that employee may be abusing or misusing absences.
- There is some other reasonable basis for the University, as verified by Human Resources, to need documentation supporting the leave of absence request.

Only Human Resources can request that an employee submit certification to support a leave request. If Human Resources requests that an employee submit certification to support a leave request, the employee may ask Human Resources to reimburse the employee for the co-pay costs incurred by the employee in obtaining the certification. This request should be made by emailing [hr@up.edu](mailto:hr@up.edu), along with a copy of a bill or invoice showing employee's co-pay costs; if the information or documentation is not

---

<sup>1</sup> Reasons for leave covered by FMLA and/or OFLA include: serious health condition of employee or family member; parental leave; to care for a sick child who does not have a serious health condition but requires home care; for pregnancy disability leave or prenatal care; to care for a seriously ill or injured service member or veteran; because of a "qualifying exigency" arising out of a family member being on or called to active military duty; because of a spouse or same-gender domestic partner being called to or on leave from active military duty; and bereavement leave to make funeral arrangements, attend the funeral or to grieve a family member who has passed away.

determined by be sufficient by Human Resources, Human Resources may ask the employee for additional information and/or documentation.<sup>2</sup>

It is the University's intent to comply with all requirements of all applicable laws, including FMLA, OFLA, the Oregon Sick Time Law, federal and Oregon laws regarding military leave, and all other federal and Oregon laws regarding protected leave. If there are any inconsistencies between this policy and any applicable legal requirements, the University will follow the legal requirements.

For any type of leave the granting of which is based on the University's discretion and not legal requirements, the University may require that the employee provide any type of certification or other types of documents that Human Resources determines to be relevant for the University to respond to the request for leave.

This policy does not apply to a leave of absence requested as a reasonable accommodation under the Americans with Disabilities Act (ADA) and/or comparable Oregon state law. Such leaves are subject to the University's reasonable accommodation process.

*\* This policy is effective March 1, 2018.*

*\*\* This policy was approved by PLC on February 19, 2018.*

---

<sup>2</sup> Please note, whether an employee is eligible for a particular type of legally-protected leave depends on meeting requirements of the applicable leave law. Employees should contact Human Resources for more information about eligibility requirements.