

## **ARMSTRONG ATLANTIC STATE UNIVERSITY FAMILY MEDICAL LEAVE POLICY**

For more information and access to FMLA forms, please see the USG web site at:

<http://www.usg.edu/employment/benefits/fmla/>

Consistent with the provisions of the federal Family and Medical Leave Act (FMLA) of 1993, 29 CFR Part 825, an eligible employee may be entitled to up to twelve workweeks of leave during any twelve month period, for one or more of the following reasons:

- (a) The birth and care of a newborn child of the employee;
- (b) The placement of a child with the employee for legal adoption or foster care;
- (c) The care of an immediate family member (spouse, child, or parent) with a serious health condition; or
- (d) A serious health condition of the employee, which renders him/her unable to perform the duties of his/her job. This would include an on-the-job injury or an occupational disease covered by worker's compensation.

For an employee to be 'eligible' to utilize Family and Medical Leave, he/she must have worked for Armstrong Atlantic State University (AASU):

- (a) For a total of twelve months; and
- (b) For at least 1,250 hours during the twelve-month period immediately preceding the commencement of such leave.

A 'serious health condition' is defined as an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient medical facility care; or (2) a continuing regimen of treatment by a healthcare provider.

Spouses employed by the same institution are jointly entitled to a combined total of twelve workweeks of family leave, during any twelve month period, if such leave is for the birth and care of a newborn; the adoption or foster placement of a child with the employee; or for the care of a parent who has a serious health condition. Leaves for the birth and care of a newborn, or for the adoption/foster placement of a child, must conclude within twelve months of the birth or placement.

### **ADDITIONAL PROVISIONS OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

#### **(A) Paid versus Unpaid Family and Medical Leave**

Generally, FMLA leave is unpaid. The FMLA permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for FMLA leave. 'Accrued paid leave' includes accrued sick leave and/or accrued vacation/annual leave, as appropriate.

During an instance of paid or unpaid Family and Medical Leave, an employee may continue his/her insurance benefits, during such leave, by continuing to

pay his/her portion of the required insurance benefit premium(s) to his/her home institution. The home institution shall, also, continue to pay its portion of the required insurance premium(s) during such approved FMLA leave.

(B) Rolling Year

AASU shall use a 'rolling' twelve-month period to determine eligibility for, and availability of, leave time under FMLA.

(C) Advance Notice and Documentation of Need Requirements

An employee who seeks to use FMLA leave shall be required to provide a thirty (30) day advance notice of the need to take such leave, when the need is foreseeable and such notice is practicable.

An employee will be required to provide:

- (1) medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- (2) periodic recertification of the serious health condition, as may be required by the home institution; and
- (3) periodic reports during the FMLA leave regarding the employee's status and his/her intent to return to work.

It is the home institution's responsibility to designate leave, paid or unpaid, as FMLA-qualifying. It is, also, the home institution's responsibility to provide notice to the employee, that it has designated such leave as FMLA-qualified.

(D) Continuous and Intermittent Leave

FMLA leave for a serious health condition of an employee, or for the care of an immediate family member with a serious health condition, may be taken on a continuous basis - or on an intermittent basis in increments as small as one hour - if medically indicated.

When intermittent leave is needed to care for an immediate family member or an employee's own illness, or when intermittent leave is needed for planned medical treatment, an employee must try to schedule treatment so as not to unduly disrupt his/her institution's business operations.

When FMLA leave is taken after the birth, or placement of a child for adoption or foster care, an institution shall have the discretion to determine whether such leave shall be continuous or intermittent.

(E) Job Reinstatement

Upon return from FMLA leave, an employee must be restored to his/her original position; or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. Certain "key employees" may be denied job restoration if they are among the highest paid 10% of employees and if such denial is necessary to prevent substantial and grievous economic injury to the operations of the home institution.

#### (F) Returning to Work After FMLA Leave

An institution may require an employee, who received FMLA leave for a serious health condition, to present a fitness-for-duty clearance from his/her healthcare provider, prior to being reinstated to active duty.

An employee is expected to return to work by the end of his/her approved FMLA leave. If an employee does not return to work by the end of his/her approved FMLA leave and, if the failure to return to work is not due to a continuing or new documented qualifying serious health condition; the employee may be required to reimburse his/her home institution for the portion of employee benefit premiums that were paid by the employer during the employee's FMLA leave.

If an employee is unable to return to work by the end of his/her approved FMLA leave, he/she may be eligible to request additional personal leave under other University System of Georgia policies. The granting of such additional leave shall be left to the discretion of the home institution. In no instances, shall all granted and approved combined institutional leaves exceed 12 calendar months.

If an employee does not return to work at the end of his/her FMLA leave and, if an institution does not grant additional leave under another University System of Georgia policy, the individual's employment will conclude on the last day of approved FMLA leave.

#### (G) Rights, Responsibilities, and Additional Information

Both the employee and the institution have rights and responsibilities under the FMLA. Institutions of the University System of Georgia must comply with all provisions of the federal Family and Medical Leave Act (29 CFR Part 825).