



Procedure 6.7: Family and Medical Leave Act (FMLA)

Volume 6

Managing Office: Office of Human Resources

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I. PURPOSE

The purpose of this policy is to provide employees with a general description of their FMLA rights. Recognizing the occurrence(s) of serious health conditions which involve either the University employee or a qualified family member, the University provides unpaid Family Medical leave of up to 12 weeks in a 12 month period. This is in accordance with the Family and Medical Leave Act of 1993 (“FMLA”) and the FMLA expansion under The Support for Injured Service members Act of 2007.

II. REQUIREMENTS FOR ELIGIBILITY

To be eligible for FMLA leave and the FMLA expansion under The Support for Injured Service members Act of 2007, employees must meet the following requirements:

- a. Employed by the University for at least 12 months and have at least 1,250 hours during the 12 months immediately preceding the start of FMLA leave.
- b. Except when leave is unforeseeable, the employee must provide the University at least 30 days advance notice of requested leave by obtaining and completing the Employee Request for FMLA Leave and Certification of Health Care Provider (available from Human Resources). In cases where 30 days notice is not possible, notice must be given as soon as practical.
- c. For leave involving the serious illness of the employee, spouse, child or parent, medical certification is required. Failure to provide advance notice and medical certification when required can result in leave being delayed for 30 days, or denied.

III. REASONS QUALIFYING FOR FMLA LEAVE

An eligible employee may take up to 12 weeks of FMLA leave in a 12-month period for the following family and medical reasons:

- a. Birth of a child and to care for the newborn
- b. Placement of a child through adoption or foster care and to care for the newly placed child

- c. To care for an employee's seriously ill parent, spouse, or child under the age of 18. (A parent may also request time for the serious medical illness of a child who is older than 18 and "incapable of self-care because of a mental or physical condition.")
- d. When the employee's own serious health condition makes the employee unable to work
- e. A covered family member's active duty or call to active duty in the Armed Forces (spouse, son, daughter or parent).
- f. An employee is also eligible for a leave up to 26 weeks in a 12-month period to care for a service member who is injured or ill, with the injury or illness being sustained while on active military duty.

The 12-month period during which the employee may take 12 weeks from FMLA leave is a rolling 12-month period starting with the date the employee first uses medical leave. Each time an employee takes leave, the University will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

An employee must use any accrued Annual and Sick Leave during an approved FMLA leave. If an employee's accrued Annual and Sick Leave is exhausted but the employee is still eligible for additional leave under the FMLA, the remainder of the employee's FMLA leave will be unpaid. All leave time runs concurrently, with only a total of 12 weeks allowed under FMLA (or 26 weeks for the care of an injured or ill service member).

IV. SUPERVISORS RESPONSIBILITY

Supervisors **are required** to submit a written notification to the Office of Human Resources regarding any employee who is absent from work for more than three (3) consecutive business days for personal illness or to care for an ill family member. The purpose of this notification is two-fold. First, AAMU is required to inform employees that they may have rights under FMLA whenever it appears that the law might apply because the employee has been out more than three (3) consecutive days. Second, notice enables the Office of Human Resources to determine whether the employee is eligible for FMLA leave and, if yes, then to obtain appropriate documentation regarding the leave. The University may designate eligible employees' sick/medical leave as FMLA leave as deemed appropriate.

Supervisors should also inform HR if it appears that an employee is taking leave from work for the same medical issue (whether for themselves or as a caretaker) repeatedly, even if no one absence exceeds three (3) days.

Supervisors are not authorized to unilaterally grant FMLA leave to any employee. FMLA leave requests must be coordinated through the Office of Human Resources.

V. CONTINUATION OF BENEFITS

Unless otherwise notified or required by law or contract, the University will continue the employee's applicable group benefits (i.e., health, dental, vision, life insurance, disability insurance) as though the employee was actively at work. Any portion of benefits the employee paid while at work must continue to be paid while on FMLA leave. If the employee does not return to work following FMLA leave, he/she may be required to reimburse the University for its portion of health insurance premiums paid on the employee's behalf during his/her FMLA leave.

For retirement/profit sharing purposes, the employee's hire date will not be adjusted while on FMLA leave.

VI. EMPLOYEE STATUS AFTER LEAVE

An employee who takes leave under this policy will be able to return from leave to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions. The University may choose to exempt certain key employees from this requirement and not return them to the same or similar conditions.

VII. PROCEDURES FOR APPLYING FOR FMLA LEAVE

To initiate a request for FMLA, the employee must complete the FMLA Employee Leave Request Form and the FMLA Certification of Health Care Provider for Employee's Serious Health Condition or for Family Member's Serious Health Condition for approval or disapproval (found on the Human Resources website). A copy of the FMLA Employee Leave Request Form should be submitted to your supervisor as notification. Following confirmation that the employee is eligible and approved for FMLA leave, the Office of Human Resources will notify the employee and supervisor. The employee will be required to submit a Leave Request Form (found on the Human Resources website) prior to departing on leave or the same day as the need for leave becomes known or the next business day for the approved leave period to his/her supervisor and a copy to the Office of Human Resources.

Any exceptions to this policy must be approved by the Director of Human Resources. Please direct any questions regarding FMLA to Human Resources.