



Policy 04:130 – Family Medical Leave

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the National Defense Authorization Act, the University of Montevallo will grant an eligible employee up to 12 weeks of unpaid leave during any one-year period. The one-year period is based on a “rolling” 12-months, measured backward from the first day of any FMLA leave for which the employee qualifies.

Eligibility for Family or Medical Leave: Employees who have been employed by UM for at least 12 months (or 52 weeks) and who have worked at least 1250 hours during the preceding 12 months may take up to 12 weeks of unpaid leave during any 12-month period, measured backward from the first date an employee uses FMLA leave for the following reasons:

1. A serious health condition which renders the employee unable to perform the functions of his or her position;
2. To care for an employee’s spouse, child, or parent who has a serious health condition; or
3. Birth or adoption of a child or placement of a child with the employee for foster care. Leave for this reason may be taken only during the first 12 months following the birth, adoption or placement of the child.
4. Any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is either on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

An employee who is the spouse, child, parent or next of kin of a covered service member may be entitled to 26 weeks of unpaid leave in a single 12-month period in order to care for the service members. During the single 12-month period in which leave is taken to care for a covered service member, if the employee needs FMLA leave for any other reason, the employee is entitled to a combined total of 26 weeks. The availability of leave for another reason in any other 12-month period shall not be limited.

A serious health condition of an in-law does not qualify under FMLA provisions. Any leave taken pursuant to this policy shall count toward the employee’s 12-week FMLA leave total.

Leave for Serious Health Conditions, Qualifying Exigencies: Where FMLA leave is requested due to a serious health condition of the employee, spouse, child or parent, or to qualifying exigencies, or to care for an injured service member the leave may be taken intermittently or on a reduced-hour basis only if such an arrangement is necessary. If intermittent or reduced-hours

leave is required, the University may, at its sole discretion, temporarily transfer the employee to another position with equivalent pay and benefits if that job will better accommodate such leave. Requests for FMLA leave due to a serious health condition or the need to care for a covered service member must be supported by a certification from the health care provider, and the University reserves the right to require a second medical opinion at the University's expense. If the first and second opinions differ, the University may, at its own expense, require a third opinion from a health care provider jointly approved by the University and the employee; this third opinion shall be binding.

For purposes of FMLA leave, a "serious health condition" means an illness, injury, impairment or other physical or mental condition that involves: (1) a period of incapacity or treatment related to inpatient care in a hospital or other medical care facility; (2) a period of incapacity that involves continuing treatment by a health care provider and requires absence from regular daily activities such as work or school for more than three calendar days; or (3) continuing treatment by a health care provider for prenatal care or for a chronic or long-term health condition that is incurable or so serious that lack of treatment would likely result in incapacity for more than three calendar days. If the employee and employee's spouse are both employed by UM, their combined leave to care for a sick parent or for a qualifying exigency is limited to 12 weeks and their combined leave to care for an injured service member is limited to 26 weeks.

Leave for Birth, Adoption or Placement of Child: Where FMLA leave is requested for the birth, adoption or placement of a child, intermittent leave or working a reduced number of hours is only permitted when the University and the employee jointly agree. If both parents are employed by UM, their combined leave for the birth, adoption or placement of a child is limited to 12 weeks.

Requests for Leave: Requests for FMLA leave should be submitted preferably in writing at least 30 calendar days before the leave is to commence, or if the event is not foreseeable, the leave must be requested as soon as practicable after the qualifying event. The request must include the anticipated timing and duration of the leave. FMLA leave may be delayed for failure to provide this required notice. FMLA Application forms are available on-line and in the Office of Human Resources.

Medical Certification: The University reserves the right to require proof of necessity for family/medical leave from a health care provider on the "Certification of Health Care Provider" form. Certification of Health Care Provider forms are available in the Office of Human Resources. This form should be completed by the employee's health care provider and returned to Human Resources. The health care provider may also send the form to Human Resources directly. The Certification form should be submitted within 15 calendar days upon receipt of the form. All FMLA certifications are maintained confidentially in Human Resources.

Employees requesting leave for planned medical treatment of a serious health condition must make reasonable efforts to schedule the treatment so as to avoid disruption of the University's operations.

Requests for FMLA leave due to a serious health condition must be supported by a certification from the health care provider. Failure to provide the required medical certification upon request

may result in the denial of FMLA leave. Certification of Health Care Provider forms are available in the Office of Human Resources.

Failure to Request FMLA or Return Medical Certification: The University reserves the right to place an employee on FMLA leave if they have sufficient information that the employee requires leave that is covered by the FMLA and as such may choose to designate the leave as FMLA leave.

Contact During Leave: Employees on FMLA leave must contact the University every two weeks regarding their current status and intent to return to work, unless physically or mentally unable to do so due to the employee's own serious health condition. This contact may be by telephone to the employee's Department Chair, Director, supervisor, or Director of Human Resources.

In addition, employees must promptly notify the University if: (1) they no longer intend to return to work at the expiration of FMLA leave, (2) they wish to return to work at the expiration of leave but may be unable to do so, (3) the circumstances described in the original certification have changed significantly, or (4) they desire an extension of leave (but not to exceed a total of 12 weeks). Such notification must be given in writing to employee's Department Chair, Director, supervisor, or Director of Human Resources.

Use of Sick and Vacation Days and Substitution of other Paid Leave During FMLA

Leave: During FMLA leave, employees must continue to complete monthly leave reports or timesheets and if they are unable to complete due to their incapacitation, the supervisor is authorized to complete and submit on the employees' behalf. If applicable, employees are required to use all their available vacation and compensatory time during any period of FMLA leave. Employees must also use available sick days when the FMLA leave is taken because of a serious health condition. The University will require that employees substitute any other paid leave for FMLA leave. When vacation days, sick days or compensatory time is used during an FMLA leave, they will be paid according to current University policies regarding such benefits.

Benefits During Leave: During unpaid FMLA Leave, employees do not accrue employment benefits such as vacation or sick leave. Those employees on intermittent or reduced-schedule leave accrue leave in proportion to the work performed. Employment benefits accrued by the employee prior to the commencement of FMLA leave will not be lost. For purposes of retirement vesting or eligibility, any paid period of FMLA leave will be treated as uninterrupted service.

During FMLA leave, the University will continue to pay its portion of the health insurance premiums for a covered employee and dependents, and the employee must continue to pay the employee's share of the premium. If the employee does not return to work following the FMLA leave, the employee must reimburse the University for any health insurance premiums paid by the University during leave, unless the employee's failure to return is due to a serious health condition which prevents the employee from performing his or her job, or because of other circumstances beyond the employee's control.

Employees who wish to continue their sponsored life insurance must also continue to pay the premiums for this coverage while on FMLA leave. Payment for health and life insurance premiums must be received in the Office of Human Resources by the 5th day of each month. Failure to pay any required premium for 30 days will result in loss of coverage. Payment should

be made payable to the University of Montevallo and mailed to:

University of Montevallo
Office of Human Resources
Station 6055
Montevallo, AL 35115

Return From Leave: An employee who returns to work from an FMLA leave on or before the first business day following the expiration of the leave is entitled to return to the same or an equivalent position, unless the employee's employment would otherwise have been terminated regardless of the employee's family or medical leave.

Request for Fitness-for-Duty and Return to Work: When FMLA leave is due to the employee's own serious health condition, the University requires a fitness-for-duty certification prior to returning to work. An employee must provide written certification from the health care provider that the employee is able to resume the duties of the job.

Special Exception for Key Employees: When a key employee requests FMLA leave, the University reserves the right to deny reinstatement if reinstatement of that employee would cause substantial and grievous economic injury to the operation of the University. For purposes of FMLA leave, a "key employee" is a salaried employee who is eligible for family or medical leave and is among the highest paid ten percent of all employees employed by the University within 75 miles of the employee's worksite. Key employees will be notified in writing of their status as key employees at the time they request FMLA leave. If the University determines that reinstatement of a key employee would result in substantial and grievous economic injury to the operation of the University, the University will promptly notify the key employee in writing.

Limitations on Leave: Use of FMLA leave for purposes other than as set forth by the FMLA is strictly prohibited and may result in disciplinary action, up to and including termination. The University's policy relating to outside employment (See Policy 04:001) continues to apply to employees while on FMLA leave.

This policy does not create any employment rights for any individual other than those specifically stated in the policy. The University is sole administrator of this policy and, as such, is the exclusive interpreter of its terms. All provisions of this policy shall be interpreted consistent with the Family and Medical Leave Act of 1993. The University reserves the right to impose any limitations or conditions upon any leave of absence as may be deemed consistent with the provisions of the Act. Any questions concerning this policy may be directed to the Office of Human Resources.

Approved 5/96

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