



Administrative Policies and Procedures

Procedure Number	Subject	Effective Date	Revised Date
HR-1.4.22	Family Medical Leave (FMLA)	07/01/07	

1.0 Purpose

To provide policies and procedures for the granting and use of Family Medical Leave (FMLA).

2.0 Policy

In accordance with the federal Family and Medical Leave Act (FMLA) of 1993, an eligible employee may be entitled to up to 12 work weeks of leave during any 12-month period for one or more of the following reasons:

- The birth and care of a newborn child of the employee;
- The legal placement of a child with the employee for adoption or foster care;
- The care of an immediate family member (defined as the employee’s spouse, child, or parent) with a serious health condition; or
- A serious health condition of the employee himself/herself, which renders the employee unable to perform the duties of his/her job.

To be eligible for FMLA leave, the employee must have worked for the University System of Georgia:

- For at least 12 months total; and
- For at least 1,250 hours during the 12-month period immediately preceding the commencement of such leave.

3.0 Definitions

Serious Health Condition: A “serious health condition” under the law is a physical or mental illness or injury that requires either:

- Inpatient care, or
- Continuing treatment by a healthcare provider.

Rolling Year: the University System of Georgia uses a “rolling” 12-month period (rather than a fixed calendar, fiscal, or academic year) to determine eligibility for, and availability of, leave time under FMLA.



4.0 Procedures

These procedures are intended to comply with federal law and regulations regarding the Family & Medical Leave Act of 1993 (FMLA), and may be updated from time to time as needed.

Advance Notice & Documentation of Need for Leave – To be entitled to leave, employees must give at least 30 days’ advance notice, or as much notice as possible and practicable. To request leave, employees are expected to complete and submit to their supervisor the “Family & Medical Leave Request” form. The supervisor will complete the form and forward to Human Resources. Documentation of the need for leave may be required by the Institution by having the healthcare provider complete the “FMLA Certification of Health Condition” provided in the University System of Georgia’s “Procedures Regarding Family & Medical Leave under FMLA”.

Institutions have the right to designate as FMLA leave any time off that qualifies as such, even if the time is not specifically requested as FMLA leave per se by the eligible employee. The institution should review employee absences of 3 days or more to determine whether FMLA time should be designated.

Unpaid Leave – FMLA leave is unpaid (employers are not required to grant such leave as **paid** time off). However, employees may elect to utilize – or the institution may require that employees utilize – their accrued paid sick leave and/or annual leave, as appropriate, for such absences.

Continuous & Intermittent Leave – Leave for one’s own serious health condition, or for the care of a 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. Institutions have the discretion to determine whether to allow intermittent leaves for birth, adoption, or foster placement, or whether such leaves must be continuous.

Benefits Continuation During Leave – Whether utilizing paid or unpaid time, employees may continue their insurance benefits during FMLA leave by paying their portion of the premium.

Job Reinstatement – An employee generally has a right to return to the same position, or an equivalent position in terms of pay, benefits, and working conditions. 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 employer.

Returning To Work After FMLA Leave – Employees may be required to present a fitness-for-duty clearance from their healthcare provider before being reinstated to active duty completion of FMLA leave for their own serious health condition. The “FMLA Return To Work” form is available for this purpose.

Employees are expected to return to work by the end of the approved FMLA leave. If the employee does not return – and if failure to return is not due to a continued or new documented qualifying serious health - the employee may be required to reimburse the institution for the employer portion of the health coverage premiums that it paid on the employee’s behalf during the leave.

If An Employee Is Unable To Return To Work – If an employee is not able to return to work by the end of the approved FMLA leave, he or she still may be eligible to request additional personal leave under other University System of Georgia policies. The granting of such additional leave is at the discretion of the institution. In no case may all leaves combined exceed 12 months. If an employee does not return and is not granted additional leave, employment ends on the last day of the approved FMLA leave.