

## **FAMILY LEAVE**

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The Family and Medical Leave Act of 1993 (FMLA) requires certain employers to allow eligible employees to take up to twelve (12) weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, or to care for a seriously ill family member. Also, certain family members of the Armed Forces are allowed twenty-six (26) workweeks of leave to care for ill or recuperating family members as described below. An eligible employee is one who has at least twelve (12) months of employment with the State of Arkansas and has worked at least 1,250 hours during the previous twelve (12) month period.

### **POLICY**

An eligible employee may take up to twelve (12) weeks of family medical leave during a “ROLLING” forward twelve (12) month period for specified reasons. Under the rolling forward method, the twelve (12) month period will be measured forward from the date an employee requests FMLA Leave to determine whether the employee is eligible for any additional leave.

Family and medical leave may be requested for:

1. Birth, adoption, or foster care: A new parent, foster parent or adopting parent may apply for leave within one (1) year after the child is born or placed in the parent’s home. If both parents work for the UA Cossatot, they will be entitled to a total of twelve (12) weeks between them.
2. The employee’s serious health condition, as defined by law: This includes an employee who requires inpatient treatment, has a chronic health problem, is incapacitated for more than three consecutive calendar days while receiving medical treatment, or has a non-chronic health condition that could result in a period of incapacity for more than three (3) calendar days without medical treatment or is pregnant (including prenatal appointments for both mother and father), or is receiving treatment for substance abuse.
3. A serious health condition, as defined by law, of an employee’s spouse, child, or parent and for whom the employee is needed to provide care.
4. The spouse, son, daughter, parent, or next of kin who is needed to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The relative listed above is allowed to take up to twenty-six (26) workweeks of leave.
5. Any qualifying exigency arising out of the fact that the employee’s son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Employees are required to use any available accrued paid leave, which will run concurrently with FMLA. The accrued paid leave is used for as much of the twelve (12) weeks period as it will cover before moving into an unpaid leave status. In cases of Maternity Leave, the employee may elect to use unpaid leave without exhausting accrued paid leave. All applicable accumulated paid leave must be exhausted before Leave Without Pay (LWOP) will be granted except for maternity leave requests.

Employer paid benefits will be maintained by UA Cossatot during an FMLA approved leave absence. The college will continue to pay the employer's matching portion of Health, Dental, basic Life, and basic Long Term Disability insurances for employees on approved FMLA Leave. Employees are responsible for paying their portion of the premium if the employee's paycheck is not sufficient to cover the premium deduction, or if the employee is on Leave Without Pay (LWOP). If the employee does not continue to pay the employee portion of the premium, the insurance may be canceled.

The college's obligation to maintain health benefits under the FMLA ceases when an employee informs the employer of their intent not to return from leave, the employee fails to return from leave, or the employee exhausts their FMLA entitlement.

An employee's position, or an equivalent position with equivalent pay, benefits, and working conditions will be restored upon an employee's return from FMLA Leave unless identified as a key employee.

FMLA Leave runs concurrently with Catastrophic Leave, Workers Compensation, Leave Without Pay (LWOP), and accrued leave.

If FMLA Leave is granted for the employee's own serious health condition, the employee must provide a statement from the healthcare provider stating that the employee is able to return to work. The medical release must be submitted to the Human Resource Office before an employee returns to work. All job restrictions must be reviewed by the Human Resource Office prior to the employee's return to work.

Employees are protected by law from interference and retaliation for exercising or attempting to exercise their FMLA rights.

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**Policy History:**

January 6, 2020  
November 3, 2014  
January 1, 2011  
November 26, 2001  
July 30, 2001

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## **Family and Medical Leave Act Request**

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### Procedures:

1. Employees must inform supervisors and the Human Resources Department of their potential need to request FMLA Leave. When possible, notify supervisors and Human Resources 30 days in advance of expected leave. If 30 days is not practicable, then notice must be given as soon as possible.
2. Employees must complete the Family and Medical Leave Act (FMLA) Request Form and submit to supervisors. Forms are located on the website under the FMLA link or contact the Human Resources Department and the necessary forms will be sent to the requestor by email.
3. Employees must have a physician complete the appropriate medical form, "Certification of Health Care Provider Form" for yourself, or a family member, or for military related absences, and return it to the Human Resources Department within 15 days of applying for an FMLA qualifying absence.
4. Once required documentation is received, an FMLA Leave approval or denial letter will be sent to requestor within 5 days of determination. If additional documentation is needed, the Human Resources Department will inform the requestor immediately.
5. Employees must complete paperwork concerning paid or unpaid FMLA Leave. FMLA Leave runs concurrently with Catastrophic Leave, Workers Compensation, Leave of Absence Without Pay (LWOP) and accrued leave.
6. If applicable, employee taking FMLA must make arrangements with the Business Office to pay the employee's portion of premiums for health, dental, Life, short and long term disabilities, or any other benefit deductions made and paid through payroll. The College will continue to pay the employer's portion of benefits during approved FMLA Leave.
7. If FMLA Leave is granted for the employee's own serious health condition, the employee must provide a statement for the healthcare provider stating the employee is able to return to work. The medical release must be submitted to the Department of Human Resources on or before the employee's return to work. Any work restrictions must be reviewed by the Department of Human Resources prior to the employee's return to work.

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### **Procedure History:**

November 18, 2019

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