

Family Medical Leave Policy

Unit: [Human Resources](#)

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Purpose

To provide employees with a consistent and uniform process for medical leaves of absence. This policy meets and/or exceeds the requirements of the Family and Medical Leave Act of 1993, as amended January 2008, and its implementing regulations effective January 16, 2009.

Policy

An eligible employee may take up to 12 workweeks of Family and Medical Leave (FML) within any 12-month rolling period and be restored to the same or to an equivalent position upon their return. Qualifying employees may take up to 26 workweeks in a 12-month period for Military Caregiver Leave. This leave is calculated using the 12-month period from the date Military Caregiver Leave begins, not the usual 12 month rolling period.

- To be eligible for FML under this policy, an employee must have been employed by The University of Alabama for at least 12 months and must have worked 1,250 hours in the previous 12 months.
- The 12-month rolling period is measured backward from the date the employee uses any FML.
- The employee can choose to use any available sick, annual, or compensatory time in order to be paid while on approved FML. For continuous leaves, the accrued paid time will be applied consecutively at the onset of the leave. Once the employee goes into an unpaid status, the employee will remain in such status until the end of the approved period and they return to work.
- If an employee does not have any sick, annual, or compensatory leave time available or has elected not to use such leave time, the remaining leave or portion thereof will be unpaid. For teaching faculty, pay status will be determined by the Office of Academic Affairs.
- Time off for on-the-job injuries (OJI's) and long-term disability (LTD) runs concurrently with FML.
- Excluding Military Caregiver Leave, which provides up to 26 weeks of leave to qualifying employees, the maximum FML allowed in a rolling 12-month period is 12 workweeks, whether the FML is paid, unpaid or a combination of both statuses. All leave, whether paid or unpaid, must be taken at the employee's normal FTE rate.
- If an employee would otherwise be required to work mandatory overtime, then the time counts against the 12-week FML allocation.
- Eligible faculty members should also refer to the Faculty Handbook for additional leave information.

Reasons for Family and Medical Leave

1. Birth and care of the employee's child
2. Placement of a child with the employee for adoption or foster care

3. Serious health condition of the employee
4. Serious health condition of the employee's spouse, dependent child or parent
5. Military Caregiver Leave to care for the employee's spouse, child, parent, or next of kin
6. Military Qualifying Exigency

FML for reasons 1 or 2 must be completed within the 12-month period beginning on the date of the birth or placement of a child and must be taken in a continuous period without intermittent breaks. If the employee is requesting leave for the birth of a child, two separate applications may need to be completed; one for the employee's own serious health condition and the second for care/placement (i.e. bonding) with the newborn child, as such leaves are administered separately. Spouses who both work at the University and who request leave for reasons 1 or 2 are jointly limited to a total of 12 workweeks of FML.

Employees must submit documentation showing the date of adoption or foster care placement and pertinent information from the appropriate agency to the University's FML Administrator.

Cases of a death, birth, adoption and/or placement of a child for adoption may also require making changes to benefits. An employee must complete and return the appropriate documentation to the HR Service Center within 30 days of the event. Failure to complete the necessary documentation within the specified timeframe will result in the employee having to wait until the annual open enrollment period to make changes to his/her benefits. Changes may also be made within 30 days of any subsequent qualifying life event.

FML is not intended to cover short-term illnesses that do not meet the definition of a serious health condition where treatment and recovery times are brief.

Some serious health conditions may also qualify as a covered disability under the ADA for which the University would, absent undue hardship, provide a qualified employee a reasonable accommodation. If an employee has an impairment that substantially limits a major life activity, they should contact the [HR ADA Coordinator](#) at the [HR Service Center](#). More information about reasonable accommodations can be found on the [HR ADA page](#).

Definitions

A serious health condition is defined on the Certification of Health Care Provider Form as an illness, injury, impairment or physical or mental condition that involves one of the following:

1. **Hospital Care:** Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care. Incapacity is defined to mean inability to work, to attend school or to perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
2. **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - Treatment two or more times, within 30 days of the first day of incapacity by a healthcare provider, by a nurse or physician's assistant under direct supervision of a healthcare provider or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider, provided that the first visit to the healthcare provider takes place within seven days of the first day of incapacity and the second visit takes place within 30 days, unless circumstances beyond the employee's control prevent the second visit from occurring within this 30 day period (i.e., no available appointments during that time period); or
 - Treatment by a healthcare provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the healthcare provider, provided the first visit to the healthcare provider takes place within seven days of the first day of incapacity.

Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations.

A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider.

3. **Pregnancy:** Any period of incapacity due to pregnancy, or for prenatal care.
4. **Chronic Conditions Requiring Treatments:** A chronic condition that:
 - Requires periodic visits for treatment, at least two visits per year, by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., diabetes, epilepsy, etc.)
5. **Permanent/Long-Term Conditions Requiring Supervision:** A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
6. **Multiple Treatments (Non-Chronic Conditions):** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Military Caregiver Leave to care for the employee's spouse, child, parent, or next of kin

Leave may be taken by eligible employees to care for a covered service member or covered veteran (collectively, a "Military Member") with a "serious injury or illness" who is that employee's spouse, child, parent or next of kin (defined as the service member's nearest blood relative).

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

A covered veteran is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, National Guard or Reserves and who was discharged or released under conditions other than dishonorable within, in most cases, five years of requiring care.

For a covered service member, a "serious injury or illness" is defined as an injury or illness that is incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

For a covered veteran, a "serious injury or illness" is defined as an injury or illness that was incurred in the line of duty on active duty, and that is either:

- A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or

- A physical or mental condition for which the veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
- A physical or mental condition that substantially impairs the veteran’s ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury that is the basis for the veteran’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

A Military Member’s serious injury or illness also includes injuries or illnesses that existed before the Military Member’s active duty and were aggravated by service in the line of duty on active duty.

This FML military caregiver leave does not apply to care for former members of the armed forces who are on the permanent disability list.

An eligible employee caring for a Military Member with a serious illness or injury is eligible for up to 26 workweeks of FML military caregiver leave within a 12-month period, calculated using the 12-month period beginning on the first day the military caregiver leave begins. If the employee needs to care for more than one Military Member or the original Military Member has a subsequent injury, the employee may be entitled to take an additional period of 26 weeks of leave in a different 12-month period, but the individual cannot take more than 26 workweeks for the same illness or injury for a single Military Member. Regular FML (i.e., for the individual’s own serious health condition or for the care of a non-service member) is still limited to 12 workweeks, and “qualified exigency” leave does not qualify for the 26 weeks military caregiver leave. An employee eligible for regular FML, FML military caregiver leave and/or a qualified exigency is limited to a combined maximum total of 26 workweeks of leave for any FML-qualifying reasons during the single 12-month period.

Military qualifying exigency for Covered Active Duty Leave

Eligible employees may take leave for “qualifying exigencies” arising when the employee’s spouse, son, daughter or parent is on covered active duty, called to covered active duty status, or has been notified of an impending call or order to covered active duty (the “covered service member”).

For members of the Regular Armed Forces, covered active duty is duty during deployment of the covered service member with the Armed Forces to a foreign country.

For covered service members of a Reserve component of the Armed Forces (members of the National Guard and Reserves), covered active duty is duty during deployment of the covered service member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

This leave is limited to 12 workweeks in the normal FML 12-month rolling period. **Certification is required for leave taken due to a qualifying exigency.** An employee may contact the University’s FML Administrator to discuss certification requirements. “Qualified exigencies” are defined to include the following:

1. **Short-notice deployment:** Leave can be taken to address issues that arise from the fact that a covered service member is called to covered active duty with notice of seven days or less prior to deployment. This leave can be taken only during the seven day or less period during which the covered service member receives notice of deployment.
2. **Military events and related activities:** Leave can be taken to attend official military events, family support or assistance programs, and informational briefings related to the call of the covered service member to covered active duty.

3. **Childcare and school activities:** Leave can be taken for a variety of childcare and school-related reasons for a child, legal ward or stepchild of a Covered Servicemember, such as to provide child care on an emergency basis (but not a routine, regular, or every day basis), to enroll a child in school, or to attend school meetings for the child where the leave is necessitated by the covered active duty or call to covered active duty of the covered service member.
4. **Parental Care:** Leave can be taken for certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care. Examples include arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.
5. **Financial and legal arrangements:** Leave can be taken to make financial or legal arrangements to address the covered service member's absence while on covered active duty, or to act as the covered service member's representative for purposes of obtaining military service benefits. Leave can be taken only to obtain military service benefits while the covered service member is away on covered active duty or within 90 days of termination of that covered active duty.
6. **Counseling:** Leave can be taken to attend counseling by someone other than a healthcare provider for the employee, the covered service member, or a child of the covered service member (child, legal ward or stepchild), provided that the need for counseling arises from the military service.
7. **Rest and recuperation:** Leave can be taken to spend time with a covered service member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. This leave is limited to 15 days for each military rest and recuperation visit.
8. **Post-deployment activities:** Leave can be taken to attend the covered service member's post-deployment functions, such as arrival ceremonies or reintegration briefings that occur within 90 days following the termination of the covered active duty status or to address issues that arise from the death of the covered service member, such as making funeral arrangements.
9. **Additional activities:** Leave may be allowed to address other events that arise out of the covered service member's covered active duty or call to covered active duty status provided that the appropriate UA supervisor and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

Scope

This policy applies to all UA faculty and staff.

Office of the Vice President of Finance and Operations

Signed:  9/11/2019
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 Cheryl Mowdy
 Assistant Vice President for Finance and Operations