

**JACKSONVILLE STATE UNIVERSITY**  
**Manual of Policies and Procedures**

**POLICY NUMBER:** I:02:17

**DATE:** April 2016

**REVISION/REVIEW DATES**

**SUBJECT:** Sick/Medical Leave of Absence

**APPROVED:** John M. Beehler, President

**PURPOSE**

To outline the means by which JSU will administer all medical/sick leaves of absence.

**POLICY**

Jacksonville State University (JSU) offers employees time away from work for medical/sick reasons pertaining either to the employee or the employee's immediate family. This policy governs the maintenance and utilization of medical/sick leave hours by JSU employees.

**DEFINITIONS**

**Covered Service Member:** is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Emergency:** unplanned absence from work

**FMLA:** The Family and Medical Leave Act of 1993 (FMLA)

**Immediate Family:** includes spouse, qualified domestic partner, children (including foster or stepchildren), parents (including stepparents and parents-in-law), siblings (including stepbrother and stepsister), grandparents, and grandchildren.

**Illness/Injury:** any physical or mental impairment of health, including such an impairment proximately resulting from pregnancy (miscarriage, childbirth and/or recovery thereafter), which does not allow an employee to fully and properly perform the duties of the employee's position. When an employee's illness/injury may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336 shall apply.

**Serious health condition:** an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

### **MEDICAL/SICK LEAVE**

Medical/Sick Leave applies to all benefits earning employees who need to be away from work due to their personal health condition (illness or injury) or to care for an immediate family member, and/or, medical, dental, or other appointment(s) with a licensed healthcare provider for the employee or a member of the employee's immediate family.

Sick leave is accrued at the rate of eight (8) hours per pay period worked and may be accumulated to an unlimited amount. Temporary and student workers do not accrue sick leave.

If the need for leave is unforeseen, the employee must provide such notice as is practicable (within 1-2 business days upon his/her return to work, or when the need for sick/medical leave becomes known).

Sick leave must be earned before it is used. Employees will record leave based on their established work schedule. While on medical/sick leave, employees are not permitted to perform work on behalf of JSU.

Sick leave is defined as the absence of an employee from work for one of the following reasons:

- Personal illness or injury of the employee or a member of the immediate family
- Medical, dental, or other appointment(s) with a licensed healthcare provider for the employee or a member of the employee's immediate family

### **REQUESTING AND RECORDING MEDICAL/SICK LEAVE**

A [Leave Request/Report Form](#) (36-B-Bi-Weekly and 36-M-Monthly) must be completed whenever any employee plans to use leave time. Leave must be approved by the supervisor in advance of taking the leave, except in cases of an unexpected emergency. In case of an emergency, the employee must complete the appropriate [Leave Request/Report Form](#) immediately upon the return to work.

### **RETURN TO WORK**

If an employee uses medical leave for more than five (5) consecutive workdays, the employee must provide the department of human resources with a medical release from a licensed medical provider in order to return to work (see Attendance and Sick Leave Policy 1:02:19 for more information concerning medical/sick and Family Medical Leave Act information).

All medical documentation supporting an employee's absence for medical reasons must be submitted directly to the Department of Human Resources and will be maintained to ensure and protect the privacy of the employee.

**LEAVE BASED FAMILY MEDICAL LEAVE ACT (FMLA):** An employee's serious health condition may fall under FMLA.

**Family Medical Leave Act.** The Family and Medical Leave Act of 1993 (FMLA) grants up to 12 weeks of leave within a 12-month period for certain family and medical reasons. Leave covered by FMLA may be paid, unpaid, or a combination of both.

**The 12-month Period.** JSU measures the 12-month period by a rolling 12-month method measured backward from the date FMLA leave was used. For leave to care for a covered service member, JSU calculates the 12-month period beginning on the first day the eligible employee takes FMLA

leave to care for a covered service member and ends 12 months after that date.

**Using FMLA Leave.** Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies.

**FMLA Requirements.** Employers must maintain an impacted employee's group health benefits during the leave period. Employees with accrued sick leave hours will be paid for their leave period covered by those hours and benefits will be accounted for as if employees continued to work instead of taking leave. If an employee is qualified for FMLA leave but does not have accrued leave hours to cover the leave period, the employee will be considered to be on unpaid FMLA leave. Employees on unpaid FMLA leave will be required to pay the University the employee's portion of the group health and optional benefits (dental, vision, cancer, and hospital indemnity if applicable), in addition to the cost of the life insurance and disability premium which the University would normally pay.

**To be eligible for leave under FMLA, an employee must:**

- Have worked for the employer at least 12 months; and
- Have worked at least 1,250 hours during the preceding 12 months.

**To qualify under FMLA, leave must be used for:**

- The birth of a child and to care for the newborn child within one year of birth;
- The placement of a child with the employee for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's immediate family member who has a serious health condition;
  - The serious health condition that renders the employee unable to perform the functions of the employee's job; **OR**,
  - Qualifying military exigencies.
- All eligible accrued leave will run concurrently with FMLA leave. Employees with accrued leave (vacation, sick, and/or earned compensatory leave) must use paid leave for an FMLA event and such leave shall be counted toward the entitlement, and take the remainder of the leave period as unpaid leave.
- Leave covered by FMLA may be used for employee's personal injury/illness or for that of an immediate family member as defined by the Family Medical Leave Act.
- Employees are entitled to return to their same or an equivalent job at the end of their FMLA leave.
- **Spouses who are both employed by the University are limited to a:**
  - Combined total of twelve (12) weeks of leave during a twelve (12) month period if the leave is taken to care for the employee's parent with a serious health condition or for the birth or placement of a child; or
  - Combined total of twenty-six (26) weeks of leave during a single twelve (12) month period to care for a covered military service member with a serious injury or illness.

**Documenting FMLA Leave.** The University must comply with federal regulations and is required to document and track employees' use of leave covered by FMLA. Employees are required to submit medical documentation on the official [Certification of Health Care Provider Form](#). Forms should be submitted to the Department of Human Resources, and supervisors will be notified of the provisions of the leave. Any documentation containing medical information from the employee's healthcare provider must be submitted directly to the Department of Human Resources. The University will allow an employee **15 calendar days** to obtain and submit the medical certification to the Department of Human Resources.

In instances of serious health conditions, extending more than three (3) consecutive work days, employees are required to complete the appropriate [Leave Request/Report Form](#) (36-B-Bi-Weekly and 36-M-Monthly) **AND** the [Request for Family Medical Leave Act Form](#) 1:02:19. Both forms must be signed by the employee's supervisor and submitted to the Department of Human Resources (DHR). The Department of Human Resources will provide the employee with the Certification of Health Care Provider Form which needs to be completed by the employee and the health care provider and submitted to the DHR. The DHR will notify the employee and supervisor regarding the employee's eligibility for FMLA leave within five (5) days of receipt of the Request for Medical Leave Act Form.

**Return To Work.** Employees are expected to maintain communication with the DHR in the event that the planned return to work date changes.

- The University requires employees returning from FMLA to provide a [Return to Work Certification Form](#) from a licensed healthcare provider.
- The [Return to Work Certification Form](#) must indicate the employee's ability to resume full/partial duty.
- If the employee does not provide the [Return to Work Certification Form](#), the employee is not allowed to work until the form is received by the Department of Human Resources. A human resources representative will communicate via email to the employee's supervisor, the employee's ability to return to work.
- The [Return to Work Certification Form](#) must be submitted directly to the Department of Human Resources and will be maintained to ensure and protect the privacy of the employee.

### **Military Family Leave Entitlements**

Eligible employees with a covered service member (spouse, son, daughter, or parent) on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include:

- attending certain military events
- arranging for alternative childcare
- addressing certain financial and legal arrangements
- attending certain counseling sessions, and
- attending post-deployment reintegration briefings

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

JSU fully supports the men and women who serve our country and abides by all regulations specified under The Uniformed Services Employment and Reemployment Rights Act of 1994. Military Family Leave: [http://www.dol.gov/whd/fmla/2013rule/FMLA\\_Military\\_Guide\\_ENGLISH.pdf](http://www.dol.gov/whd/fmla/2013rule/FMLA_Military_Guide_ENGLISH.pdf)

### **RESPONSIBILITY**

The Department of Human Resources is responsible for this policy.

### **EVALUATION**

The policy will be reviewed annually by the Executive Director of Human Resources.