

## SECTION 802.05

### Family Leave

Any regular employee who has been employed on a half-time or greater basis by Valdosta State University for at least twelve months is eligible for twelve weeks of family leave during a twelve month period commencing on the date the family leave begins. Family leave shall be unpaid leave; however, if an employee is eligible to use accumulated sick and/or annual leave, the employee may do so after obtaining permission from his/her supervisor. Family leave must be approved at the departmental level, with the Department of Human Resources being advised of all relative facts. Contact Human Resources for information regarding how to submit family leave using the on-line E Time process. Keep a copy of the form in your department and send original to Human Resources. See <http://www.usg.edu/employment/benefits/fmla/> for additional information and required forms. The University reserves the right to designate an employee's leave as leave under the Family Medical Leave Act.

Family Medical Leave will be administered to run concurrently with the university sponsored annual and sick leave. At Valdosta State University, employees may use their individually accrued paid leave, be in leave without pay status, maintain reduced work schedules, or be absent from work intermittently. As appropriate, all of the above will count toward the 12 weeks of an employee's FMLA entitlement.

#### **1. Eligibility Requirements.**

Family leave shall be granted to an eligible employee in the event of:

- a. The birth and care of the child of the employee
- b. The placement of a child with the employee for adoption or foster care

- c.** A serious health condition of the employee's child, spouse, parent, or spouse's parent, necessitating the employee's presence; or
- d.** A serious health condition of the employee which renders him/her unable to perform their required job duties. Employees on approved family leave shall be responsible for group insurance premium payments as is required of other individuals on unpaid leave status.

To be eligible for FMLA leave, the employee (including part-time and temporary) must have worked for the University System of Georgia:

- a.** For at least 12 months total (not necessarily the last 12 months); and
- b.** For at least 1,250 hours during the 12-month period immediately preceding the leave.
- c.** Request for Leave.

The employee shall provide the employer with certification and prior notice in a manner which is reasonable and practicable when requesting leave under these provisions. In those cases where the necessity for leave is foreseeable based on planned medical treatment, supervision of a serious health condition, etc., the employee:

- a.** Shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer; and
- b.** In those situations where husband and wife are entitled to family leave under this policy, the aggregate number of work weeks of leave shall be limited to twelve weeks if such leave is taken:
  - 1.** For birth, care or placement of a child; or
  - 2.** To care for a sick parent or spouse's parent.

## **2. Certification of Serious Health Condition.**

Employees may be required to provide a medical certification of a serious health condition prior to approval of family leave. Such certification shall include:

- a. The date on which the serious health condition commenced
- b. The probable duration of the condition
- c. The appropriate medical facts within the health care provider's knowledge regarding the condition; and
- d. An estimate of the amount of time that the eligible employee is needed to care for the covered individual. If the employee has a serious health condition, it will also be necessary to certify the fact that the employee cannot perform the duties of the position held. In any case, where the employer has reason to doubt the validity of the certification provided, the employer at its own expense may require the second opinion of any health care provider approved by the employer.

Should the second opinion conflict, a third opinion at the employer's expense may be requested. The third opinion shall be rendered by a health care provider approved jointly by the employer and employee, and the opinion rendered shall be binding on both parties.

## **3. Restoration of Employment.**

Employees taking leave under this provision are generally entitled to be returned to the position of employment previously held or to an equivalent position with equivalent benefits and other terms and conditions of employment, if the employee fully complied with the terms of the leave. Prior to restoration of employment a certification from the employee's health care provider indicating the employee is able to resume normal duties may be required.

Restored employees shall not be construed to be entitled to:

- a. The accrual of any seniority or employment benefits during any period of family leave, e.g., holiday pay, leave accruals, etc.; or
- b. Any right, benefit, or position of employment other than those to which the employee would have otherwise been entitled.

#### **4. Denial of Restoration.**

Salaried employees who are among the highest paid 10% of the employees employed may not be restored if:

- a. Such denial is necessary to prevent substantial and grievous economic injury to the employee's operations;
- b. The employer notifies the employee of its intent to deny restoration on such basis at the time it determines such injury would occur; and
- c. In any case in which leave has commenced, and the employee elects not to return after receiving such notice.

#### **5. Unlawful Practices by the Employer.**

It shall be unlawful for the employer to interfere with, restrain, to deny or attempt to deny the exercise of any right provided by state law. Discharge or discrimination against any employee because such individual has filed charges, instituted procedures, given information in connection with any inquiry or proceeding related to any right provided or has testified relative to any inquiry or proceeding is prohibited.

#### **6. Appeals**

Employees, who feel they have been denied appropriate consideration of a family leave request, or have otherwise been discriminated against, may file a written appeal within five working days of such action. This appeal should be addressed to the individual having ultimate administrative responsibility for the department or operational area. Said appeal should include pertinent details and preferred remediation and will be reviewed with all parties. A written decision will be rendered within five working days from receipt of the employee's appeal by the Vice President or other key administrator having responsibility for the operating unit.

The employee, upon receipt of written notification of leave denial by the key administrator, can request a review by the President of the University. This appeal should occur within five working days, and the decision of the President shall be final at the institutional level.

Appeal beyond the institutional level shall be in accordance with those procedures set forth in Board of Regents policy. The Department of Human Resources will provide assistance as required in the appeals process.

### **7. Military Caregiver Leave (Effective January 16, 2009)**

An employee may take up to 26 weeks of military caregiver leave during a single 12-month period on a per- covered service member, per injury basis ( which may be taken continuously, intermittently, or on a reduced schedule basis). The single 12 month period is measured forward from the date an employee's leave to care for the servicemen begin. Once a single 12 month period expires, the employee is eligible for another 26 weeks of military caregiver leave during a subsequent single 12-month period to care for a different service member or to care for the same service member if he/she incurs a subsequent serious injury or illness or complication of earlier injury.



For additional information or questions on FMLA see the [FAQ](#) page.

Educational Support Leave (effective July 1, 2015)

The Board approved the Educational Support Leave policy for University System of Georgia employees. The full text of BOR Policy 8.2.7, Leave can be accessed at the following link:

[http://www.usg.edu/policymanual/section8/C224/#p8.2.7\\_leave](http://www.usg.edu/policymanual/section8/C224/#p8.2.7_leave)

[Click here for additional information regarding educational support leave.](#)

Effective 9/07

Updated 8/15