

SPIA Employees and the Family and Medical Leave Act

SPIA is required to adhere to all elements of the **Family & Medical Leave Act (FMLA)**. This Act provides that employees may be granted up to twelve work weeks of job-protected leave during a 12-month period, or 26 work weeks in the case of qualifying needs related to certain military-related situations. ¹ If you are a University of Georgia employee for at least twelve months (these do not have to be consecutive) AND you have worked at least 1,250 hours during that 12-month period immediately before the requested leave time, you are eligible to be granted family leave for the conditions that are authorized by FMLA. It is important to contact SPIA's Human Resources representative, Shelly Terrazas, at 706-542-1881. In addition, UGA Human Resources will provide answers to many of your questions. Their Faculty & Staff Relations contact numbers are 706-542-9231 or 706-542-2167. Below you will find information on FMLA that may also be found on the UGA Human Resources web site, but we have placed it here for your convenience.

What kind of reasons might be required for use of the family leave option?

- Your own serious health condition
- The care of an immediate family member with a serious health condition
- The birth and care of your newborn child
- The legal placement of a child with you for adoption or foster care
- Notice that your spouse, son or daughter, or parent will be put on active duty or an impending call to active duty

Births and adoptions under FMLA

- In the cases of birth or adoption, intermittent leave or a reduced work schedule may be granted for well-child care after birth, adoption, or placement of a child.
- Spouses employed by the University of Georgia are jointly entitled to a **combined** total of twelve work weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, or for the care of a parent who has a serious health condition.
- Entitlement to this feature of FMLA leave expires at the end of the 12-month period that began on the date of the birth or placement. Any such FMLA leave must be concluded within this one-year period.
- Institutions have the discretion to determine whether to allow intermittent leaves for birth, adoption, or foster placement -- or whether such leaves must be continuous.

¹ Such as short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and relaxation (up to five days), post-deployment activities (including debriefings or funeral services for up to 90 days following The termination of the covered military member's active duty status), and any additional activities agreed to by employer and employee.

Intermittent leave or reduced work schedule under FMLA

- There must be a medical need for leave which can be best accommodated through an intermittent or reduced work schedule (for example, kidney dialysis, physical therapy, chemotherapy, and other such treatments).
- An employee must attempt to schedule leave or reduced work so as not to disrupt the employer's operations.
- The employer may assign the employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent leave or reduced work schedule.
- Intermittent leave may include leave periods of an hour or more, up to several weeks.
- Only the amount of leave actually taken is counted toward the 12 weeks of eligibility.
For example:
 - o an employee who normally works 5 days per week and takes off 1 day per week as intermittent FMLA leave is charged 8 hours of FMLA leave
 - o an employee who normally works 8-hour days, but who works half-days under a FMLA reduced work schedule would be charged 1/2 week of FMLA leave.
- The granting of intermittent leave or a reduced work schedule for well-child care after the birth, adoption, or placement of a child is at the discretion of the institution.

What do you need to do to utilize/activate the options provided by FMLA?

As a UGA/SPIA employee requesting family leave, you are expected to provide your supervisor with appropriate notification and documentation.

- To be entitled to leave, employees must give at least a 30-day advance notice for foreseeable leave, or as much notice as is possible and practicable. An employee must first submit a [Family & Medical Leave request form](#) (PDF) located on the UGA HR website. If the leave is foreseeable, the employee **must** notify the supervisor of the need for leave at least **30 days** before the date leave is to begin. If the leave is foreseeable and the employee fails to provide the 30-day notice, the supervisor may delay the taking of leave until 30 days have elapsed after the date of the employee's notice. (Example of foreseeable leave: birth of a child, elective surgery.) If circumstances change and leave is required earlier, the employee should notify their supervisor as soon as possible, usually within a business day or two.
- When the need to take leave is unforeseeable, the employee is required to provide the supervisor with notice of the need for leave as soon as practicable. This means, generally, that notice is provided within one or two business days of when the employee becomes aware of the need for leave. The timing of the notice is dependent upon the nature of the circumstances that cause the need for leave. The notice may be provided in person, by telephone, telegraph, fax, or other electronic means. There may be circumstances in which the employee is incapable of providing notice personally. For example, the employee may be unconscious in the hospital. When this occurs, a representative of the employee, spouse, adult family member, doctor, attorney, etc., may provide the initial notice of the need for leave to

the supervisor.

- You must document the need for leave by completing and submitting one of the appropriate forms listed on the [main FMLA page](#) located on the UGA HR website. You must provide the requested certification to your supervisor within the time frame requested (the institution must allow at least 15 calendar days after its request), unless it is not practical to do so despite the employee's diligent, good-faith efforts.
- Medical recertification may be required every 30 days for prolonged illnesses. Please get the [Form WH-380-E - Certification of Health Care Provider for Employee's Serious Health Condition](#) (PDF). This is an important document.
- For a personal serious health condition, you may be required to present a fitness-for-duty clearance from your healthcare provider before being reinstated to active duty. Please get the [Medical Evaluation \(Return to Work\) form](#) (PDF).
- You must make arrangements to pay your health insurance premiums. Please contact UGA Employee Benefits to make these arrangements. Do not forget this as it could become a problem.
- You must notify your supervisor of any change of circumstances for which your leave is being taken.
- You are expected to return to work by the end of the approved FMLA leave. If you do not return, and if failure to return is not due to a continued or newly documented qualifying serious health condition, you may be required to reimburse UGA for the employer portion of the health coverage premiums that were paid on your behalf during the leave.
- Know that your HR representatives and your supervisors will work with you on all these matters. When you are dealing with any type of family or personal crisis, it is sometimes overwhelming to think of all the forms and the steps that must be taken care of in a short time, but know that the UGA and SPIA Human Resources representatives are there to help and provide this support to you.

FMLA, Teaching, and Alternative Duties

There is some flexibility for faculty under FMLA leave. Unpaid leave may pose a significant hardship for some faculty, especially when there is a new addition to a faculty member's family or when the faculty member is caring for an ill spouse, child, or parent. Department Heads are encouraged to make arrangements to accommodate these needs consistent with the smooth functioning of the department.

When possible a faculty member may, with the approval of the Department Head and the Dean, rearrange teaching duties so that he or she is on research assignment as well as supervising students during the term when family medical leave is needed (e.g., an adoption occurs or childbirth is expected; time is needed to care for an ill or injured family member; or the faculty member experiences his or her own injury or illness).

Depending on the needs of the department, alternative duties (in lieu of classroom instruction) may include administrative tasks that provide more flexibility (for example, preparing programmatic reports such as self-study material associated with program review or accreditation, curriculum mapping, or other time-consuming but required data collection and assessments for the department).

Faculty may be in a position to anticipate an FMLA qualifying event prior to the start of a semester. In these situations, instructional assignments may be satisfied with course(s) that were banked by faculty. Faculty also may have the option of teaching online courses, assuming that they have been established in advance, meet departmental needs, and have been appropriately prepared.

In all cases, the Department Head will work closely with faculty and inform the Dean, in writing, of arrangements that will be made regarding faculty who experience an FMLA qualifying event. All such arrangements are subject to the Dean's explicit approval. The need for either full-time or intermittent FMLA leave requires certification from a physician, except for pregnancy. Written approval from the Department Head and Dean is required for any work that will be performed off campus or from home during this period of time.

SPIA Department Heads and Directors

Guidelines for Applying the Family Medical Leave Policy

The Family Medical Leave Act allows faculty to take *up to twelve weeks* of job-protected leave for conditions defined by that Act. Faculty members must apply their annual leave or their sick leave balance, as well as their FMLA entitlement, during any period of time in which a family leave occurs and they are unable to carry out assigned duties. When accumulated annual/sick leave time is expended, faculty must take leave without pay if they wish to use the full amount of time provided by the Family Medical Leave Act. Yet for most members of the faculty, the loss of income would pose a significant hardship, especially at a time in which a new addition to one's family is expected or when caring for an ill spouse or parent. Therefore, if at all possible, the Dean's Office will negotiate arrangements with faculty that are mutually beneficial to the faculty member's home department and SPIA as well as the faculty member and their family.

Given the need for flexibility and accountability, School leadership will consider multiple options for supporting faculty, families, and units. As noted in the preceding section, departments and faculty may develop arrangements in which the faculty member is released from teaching duties during FMLA yet provides significant service to the department in another way. When medical leaves are used in FMLA (and non-FMLA) cases, for leave periods up to four weeks, departments should arrange to replace faculty in the classroom on a temporary basis. In these cases the School will assist departments in developing creative and effective ways to meet the needs of the department and the faculty during a family or medical leave. For longer medical leaves, departments will replace faculty for the rest of the term in their courses. The School will consider providing replacement

teaching funds for longer-term approved medical leaves on a case by case basis when sufficient resources are available.

Regulations require that employees are restored to the same job and pay when they return from FMLA leave; if the same job is no longer available, employees must be assigned to an equivalent job with like pay. In those cases when faculty who were replaced in their classes for the rest of the term are ready to return to full-time work, they should be assigned other duties by the Department Head to compensate for the classes they are not teaching. These should be real, tangible duties that are tracked, evaluated, and documented by the Department Head. A letter explaining these duties should be sent to the Dean's Office. At the beginning of the following term, these faculty members should be reassigned to the regular classes and job duties they had prior to FMLA leave.

Again, if you have any questions, please contact SPIA's Human Resources representative, Shelly Terrazas, at 706-542-1881. In addition, UGA Human Resources will provide answers to many of your questions. Their Faculty and Staff Relations contact numbers are 706-542-9231 or 706- 542-2167.