

## Procedures for Family and Medical Leave

1. **Leave Request Process and Timeline:** An eligible employee who requests Family and Medical Leave must apply for the leave by completing a New Leave Request in [AbsenceTracker](#), the University's cloud-based leave management system. Access to the Employee Self-Service Portal in [AbsenceTracker](#) is available via single sign-on in myBama or linked directly from the [Human Resources website](#). An employee's myBama username and password with Duo two-factor authentication will be required to login to [AbsenceTracker](#).

When the need for leave is **foreseeable**, the employee must apply in advance and must give a 30-day advance written notice, unless such notice period is not practicable.

If the need for leave is **unforeseen**, the employee must provide such notice as is practical, which means following one's supervisor's usual and customary notice call-in procedures for reporting an absence, unless unusual circumstances exist. The New Leave Request must be filled out completely in [AbsenceTracker Employee Self-Service Portal](#). The employee will be assigned a case number and see a confirmation screen when a New Leave Request is submitted successfully. The employee should advise the supervisor or the appropriate designee within **two business days** upon returning to work that the reason for his or her leave was covered by FMLA. Otherwise, the employee may not be entitled to assert FMLA protections.

If the employee is requesting leave for Pregnancy/Maternity due to the birth of a child, two separate FMLA cases will be created; one for the employee's own serious health condition and the second for bonding with the newborn child, as such leaves are administered separately. Employees with Pregnancy/Maternity leave cases may also be eligible to receive [Paid Parental Leave hours](#).

2. **Required Medical Certification:** For Family and Medical Leave requested due to a serious health condition of the employee or of the employee's spouse, child, or parent, the employee must have the relevant healthcare provider supply the appropriate medical certification. The Certification of Healthcare Provider Form will be attached to the Eligibility and Responsibilities Notice sent from [AbsenceTracker](#). The Certification should be completed and returned via fax UA's designated [AbsenceTracker # \(205\) 235-8269](#) within 15 days following the request for leave. The Certification may also be printed and returned directly to the HR Service Center (Box 870174, Human Resources Administration Building, Room 1001) within 15 days following the request for leave, unless it is not practicable under the particular circumstances despite your diligent good faith efforts. The employee must contact the FML Case Manager if additional time is needed to complete the required certification. If the certification is rendered incomplete, the employee will have 15 days to submit the clarified and completed form.

Failure to do so within this timeframe may result in the denial of the leave. The Certification of Healthcare Provider Form is not required when an employee is using FML only for bonding leave to care for a newborn child, adoption or placement of a child.

Failure to provide requested medical certification in the allotted time may result in a delay in the effective date of Family and Medical Leave coverage or in disciplinary action up to and including termination, for unexcused or excessive absenteeism in accordance with University policy.

The University may require, at its expense, a second medical opinion. The University may designate the healthcare provider who will furnish this second opinion. If the second opinion differs from the original medical certification, the University, at its expense, may require a third binding opinion from a healthcare provider who is mutually agreed upon by the University and the employee. The University may also require medical recertification of a serious health condition not to exceed once every 30 days, unless the original period of incapacity exceeds 30 days, in which case the University may request recertification at the end of the initial period of incapacity. This information must be provided by the date requested. Failure to provide the requested recertification in the allotted time may result in a delay of further Family and Medical Leave coverage or in disciplinary action up to and including termination, for unexcused or excessive absenteeism in accordance with University policy.

3. **Communication Methods:** To expedite an employee's paperwork processing times and receive a quicker response, the FML Case Manager will send all correspondence **electronically** to an employee's official UA email address and any personal email address(es) provided on the New Leave Request. Supervisors, Human Resources Business Partners and HR Liaisons (if applicable) will be copied on all emails, excluding those containing sensitive or health-related information. Employees must affirmatively acknowledge their acceptance of electronic notifications on the FML Request Form.

If an affirmative acknowledgement is not received **within two business days of delivery**, then the FML Case Manager will send a letter via certified mail to the employee's local mailing address on file.

4. **Coordination with Short-Term Disability:** Any employee with coverage through The Standard's short-term disability insurance plan may use this benefit and it will run concurrently with eligible FMLA leave. In order to receive disability payments, the employee's disability must be approved by The Standard and the employee must be off work in an unpaid status (e.g., employee cannot receive on-the-job injury benefits or use accrued sick leave while on short-term disability; using annual leave and compensatory time is permitted). Employees may use accrued sick leave only during the applicable short-term disability plan waiting period before weekly check payments start. Leave requests for bonding with a newborn, adoption or foster care placement will not qualify as an approved disability.
5. **Supervisor Contact:** It is the responsibility of individual departments to define how an employee should communicate to their supervisor regarding their Family and Medical Leave status and their intent to return to work. **At a minimum, the employee should report to their supervisor each 30 days while on leave.** The employee is responsible for notifying their supervisor in advance each time an absence is covered by FML based on the medical certification provided. The employee is required to follow the department's usual and customary call-in procedures for reporting an absence, unless unusual circumstances exist. An employee must reapply and recertify if the type of leave circumstances described by the original certification have changed significantly (e.g., the duration or frequency of absences, the nature of the illness, complications, etc.). In addition, the employee must notify their supervisor and the FML Case Manager prior to expiration of their approved leave if the dates of the leave change or need to be extended. An employee who is released to return to work earlier than expected must provide at least 3 working days advance notice to the supervisor.
6. Family and Medical Leave may be taken on an intermittent basis for a serious health condition. An employee who requires intermittent or reduced-schedule leave may be required by their supervisor to schedule their leave in a way that will minimize disruption of their unit's operation. The University reserves the right to verify that the intermittent leave must be taken at the specific time(s) that the employee requests. An employee who uses intermittent leave will be required to submit **Intermittent Time Off Requests (ITORs)** in the [AbsenceTracker Employee Self-Service Portal](#). Supervisors and/or assigned departmental HR Liaisons may submit an ITOR on an employee's behalf.

All employees on approved intermittent leaves must submit ITORs **by the end of each monthly or biweekly pay period**. An ITOR submitted in [AbsenceTracker](#) will automatically feed over to pre-populate an employee's monthly leave report in myBama OR an employee's biweekly timesheet in UA e-Time. Duplicate entry of time off should not be required if ITORs are correctly entered in [AbsenceTracker](#) prior to the end of each pay period. While an employee is on an intermittent leave, the University may transfer the employee to an alternative position which better accommodates recurring leave and which has equivalent pay and benefits.

7. Upon return from FML, the employee will generally be returned to the position held when leave began, or to an equivalent position, with equivalent employment benefits, pay and other terms and conditions of employment.
8. Family and Medical Leave which is taken due to the employee's own serious health condition requires medical certification that the employee is fit to return to work. The employee must obtain medical certification in writing from their healthcare provider. The employee will not be permitted to return to work until an appropriate written return to work certification is provided. This is not required if the employee is using leave for the care of a newborn child, adoption, or placement of a child, or to care for a family member with a serious health condition.

9. If eligible, employees are encouraged to consider applying for Long Term Disability Insurance for their own serious health condition(s) and/or applying for disability retirement under the Teachers' Retirement System at the appropriate time. Questions regarding these options may be directed to the HR Service Center at 205-348-7732 or [hr@ua.edu](mailto:hr@ua.edu).
10. Employees who are not eligible for leave under FMLA, or who have exhausted their FML leave, may still be entitled to unpaid leave as a [reasonable accommodation under the Americans with Disability Act \(ADA\)](#), absent undue hardship on the University. In the event an employee has information which would suggest entitlement to such leave because of a covered disability under the ADA, the employee should promptly contact the ADA Administrator in the HR Service Center.
11. Regular, full-time and part-time staff employees who are **not eligible** for leave under FMLA, may still be eligible for up to eight continuous/consecutive weeks of [Pregnancy Recovery Leave \(PRL\)](#) due to a childbirth, false pregnancy, miscarriage, or other pregnancy-related medical event. Only employees who require leave from work for a medical reason related to recovery from their own pregnancy-related event are eligible.
12. Faculty employees who are tenured or probationary or who have been in a renewable contract status for at least one year at the time the leave begins are eligible for eight weeks of paid maternity leave to allow for the recovery from pregnancy, miscarriage, abortion, childbirth, and from any resulting disabilities. Eligible faculty employees should consult Chapter 4, Section II of the [Faculty Handbook](#) for additional information and procedures to request paid maternity leave.
13. If an employee anticipates that their Family and Medical Leave may extend beyond 12 weeks and is not entitled to additional unpaid leave under the ADA, they should consult the [Employee Handbook](#) to determine whether application may be made for any other type of leave of absence. Approval of other types of leave is at the discretion of the supervisor.
14. The employee must be on previously approved paid leave the day before and the day after a holiday period to receive holiday pay while on approved Family and Medical Leave.
15. Unless an employee has been approved for additional leave or an exception is necessitated under the ADA, an employee who fails to return to work or who is unable to return to work after the completion of an FML shall be treated as having voluntarily resigned.

## Employee Benefits during Family and Medical Leave

1. An employee may elect to keep health benefits and other voluntary benefits during unpaid Family and Medical Leave. If an employee elects to discontinue benefits during unpaid leave, the employee may re-enroll in benefits within 30 days when the employee returns to a paid status.
2. While the employee is on Family and Medical Leave, the University will maintain benefits including medical insurance as if the employee continued to be actively employed. As long as the employee is in a paid status, premiums for insurance will be deducted as usual from the employee's paycheck.

If the employee ceases to be in a paid status (e.g., **unpaid**), the employee will be responsible for paying the normal benefits premiums or contributions (the same amount that would have been deducted from their paycheck). Upon returning to work, employees who missed premium payments will have payroll arrears deducted over subsequent pay periods, subject to the proposed arrears schedule and applicable minimum wage considerations:

- For Health, Dental, Vision, Healthcare/Dependent Care FSA or HSA, premium arrears will be deducted over a period equal to the number of pay periods collections were missed during leave, up to a maximum of three (3) months or six (6) biweekly paychecks.
  - For Voluntary Employee Life, Voluntary AD&D, Short Term Disability, premium arrears will be recouped in a single, lump sum deduction from first available paycheck.
3. If the premiums for insurance become 30 days or more past due and a 15-day written notification is issued, insurance coverage may be cancelled and may not be reinstated until the employee returns to a paid status.
  4. Taking Family and Medical Leave will not result in the loss of any employment benefits accrued before the date the leave started. Any benefits accrued during the leave will be subject to the individual circumstances of the leave and whether or not the employee is in a paid status during the leave.

## Employee's Responsibilities for Family and Medical Leave

- To apply for leave, the employee must provide appropriate notice and documentation:
  - For leave that is foreseeable – a **30-day** written notice
  - For leave that is unforeseeable – Employee must comply with the department's usual and customary notice call-in procedures for reporting an absence, unless unusual circumstances exist. If the department does not have call-in procedures, the leave should be reported as soon as possible and practical within **two business days**, unless unusual circumstances exist.
- **Retroactive** leave designations to cover prior absences are not permitted, except for unforeseen situations where an employee is incapacitated, or other unusual circumstances exist and only with mutual agreement of the employer and employee. Any approved FMLA absences will be tracked beginning with the date of notice to the employer (e.g., date the New Leave Request Form is received by the FML Case Manager in the [AbsenceTracker Employee Self-Service Portal](#)).
- Cases of a death, birth, adoption and/or placement of a child for adoption may also require making changes to benefit elections via BenefitFocus. An employee must complete and return the appropriate documentation to the HR Service Center within 30 days of the event in order for changes to be effective immediately. Failure to change elections and provide any 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.
- The employee needs to schedule leave through their supervisor and determine if leave is to be taken intermittently or on a reduced schedule basis. For employees on intermittent leave, all Intermittent Time Off Requests (ITORs) must be submitted in the [AbsenceTracker Employee Self-Service Portal](#) **by the end of the applicable monthly or biweekly pay period**. An employee's supervisor may submit an ITOR on the employee's behalf. Additional guidance to submit an ITOR is available on the [HR website](#).
- Medical certification for leave taken as a result of a serious health condition must be provided using the Certification of Healthcare Provider Form. A copy of the form will be provided on-demand by contacting the employee's assigned FML Case Manager. An employee must provide medical certification within 15 calendar days following the request for leave. (Note: This certification should be completed and returned via fax to UA's designated [AbsenceTracker # \(205\) 235-8269](#) OR printed and returned directly to the FML Case Manager, Box 870174, Human Resources Administration Building, Room 1001).
- When an employee goes into unpaid status, the employee will be responsible for paying the normal benefits premiums or contributions (the same amount that would have been deducted from their paycheck). Employees will have the following premium payment options upon returning to work: a) a lump sum check payment, or b) payroll arrears deducted over subsequent pay periods, subject to the proposed arrears schedule and applicable minimum wage considerations.
- The employee must notify the supervisor and the FML Case Manager of any change of circumstances for which FML is being taken (e.g., the duration or frequency of absences, the nature of the illness, complications, etc.)
- Family and Medical Leave which is taken due to the employee's own serious health condition requires medical certification that they are fit to return to work.
- The employee is expected to return to work by the end of the approved Family and Medical Leave. If they do not return, and if failure to return is not due to a continued or newly documented qualifying serious health condition, they may be required to reimburse the University for the employer's portion of the insurance premiums that were paid on their behalf during the leave. An employee who fails to return to work or who has not been approved for any other type of leave of absence or who is unable to return to work after the completion of a Family and Medical Leave shall be treated as having voluntarily resigned.

## Supervisor's Responsibilities for Family and Medical Leave

- A supervisor should be aware of what an employee's responsibilities are under FML. Please review the policy and seek assistance from Human Resources when you have questions.
- If the leave is foreseeable based on the expected care of a newborn child, placement for adoption or foster care, or planned medical treatment for a serious health condition, the supervisor should receive 30 days advance notice before the FML begins.
- When an employee is absent from work for more than three consecutive days due to injury or illness, the supervisor should contact Human Resources as soon as possible to determine if the leave qualifies as a Family and Medical Leave event. Contact the HR Service Center for additional guidance **before** completing a New Leave Request on an employee's behalf. To submit a New Leave Request on an employee's behalf, a supervisor can view each direct report employee under "My Team" in the [AbsenceTracker Employee Self-Service Portal](#).
- A supervisor may require an employee to maintain communications with the employer throughout their leave. In addition, a supervisor should remain informed of any changes in the circumstance(s) for which leave is being taken; therefore, it is important to establish clear requirements with the employee about how often to contact their supervisor. [Note: UA policy indicates this process should take place (at a minimum) every 30 days.]
- [AbsenceTracker](#) will send regular reports of approved time off to UA's current timekeeping systems (e.g., once per day for non-exempt employees, once per month for exempt employees). For exempt employees, the monthly leave report in myBama should accurately reflect use of FML hours as reported as [AbsenceTracker](#). For non-exempt employees, timesheets in UA e-Time should accurately reflect use of FML hours as reported in [AbsenceTracker](#). In UA e-Time, an employee's assigned [AbsenceTracker](#) case number will be reflected in the "COMMENTS" section. [Note: For regular reports to be accurate, all employees approved for intermittent leave must submit an **Intermittent Time Off Request (ITOR)** in [AbsenceTracker](#) **by the end of each biweekly or monthly pay period**. The supervisor may enter ITORs on an employee's behalf through the "My Team" portal]. Only the following UA e-Time FMLA codes should be used by supervisors:
  - FMLA – Annual Leave
  - FMLA – Comp
  - FMLA – Sick
  - FMLA – Unpaid
  - FMLA – Parental
  - FMLA Military – Annual Leave
  - FMLA Military – Comp
  - FMLA Military – Sick
  - FMLA Military – Unpaid
- If an employee goes into an unpaid leave status, remind the employee that he/she will be responsible for paying insurance premiums upon return to work from leave. [Note: Submit an ePA to HR indicating: Last date of work before FML, date FML began, date unpaid leave began, expected return-to-work date, and hours of paid annual, sick, comp leave time that have already been used.]
- Evaluate employee requests for intermittent leave (for appointments or medical treatments) and determine a mutually agreeable schedule to ensure minimal disruption to business operations. In addition, an employee on intermittent FML must be able to perform all assigned job duties in a satisfactory manner when at work.
- When continuous/consecutive FML is taken due to a personal serious health condition, make sure the employee provides a return-to-work release from the healthcare provider prior to the employee resuming their work schedule. The supervisor should forward a copy of the return-to-work release to the FML Case Manager.
- Supervisors should contact Human Resources if recertification is needed due to changes in circumstances (e.g., the duration or frequency of absences, the nature of the illness, complications, etc.) or if new information casts doubt on the continuing validity of the original certification.

- Cases of a death, birth, adoption and/or placement of a child for adoption may also require making changes to benefit elections via BenefitFocus. An employee must complete and return the appropriate documentation to the HR Service Center within 30 days of the event in order for changes to be effective immediately. Failure to change elections and provide any 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.