

Policy Directory

Responsible Division: Finance and Administrative Services

Responsible Office: Human Resources

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**Non-FML Policy**

Policy:

It is the policy of Alcorn State University to consider an employee's request for a medical or personal leave of absence (where the leave does not qualify for protection under the Family Medical Leave Act (FMLA) in accordance with guidelines set forth below. This policy generally provides up to six (6) months of leave in a twelve (12) month calendar year, unless otherwise required by law, including the Americans with Disabilities Act Amendments Act (ADAAA). All leaves (except military leave provided under USERRA) of absence are concurrent and count towards the six (6) months.

Procedure:

**Non-FMLA Medical Leave of Absence**

***Leave within First Year of Employment***

An employee with a serious medical condition as defined under the FMLA, who is in his or her first year of employment and has completed the initial orientation period, may request a leave of absence for a self-qualifying medical event. This leave will be considered for employees that need to be out of work for five (5) consecutive days. Employees may take leave up to six (6) weeks within their first 12 months of service at Alcorn State University. Intermittent leave under Non-FMLA is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADAAA. Requests for disability related accommodations should be made to the Office of Human Resources.

***Leave after First Twelve Months of Employment***
An employee with a serious medical condition as defined under the FMLA who does not meet the 1,250 hour requirement or has exhausted leave available under the FMLA may request a leave of absence for a self-qualifying medical event. Time away from work will generally not exceed six (6) months in a 12 month calendar year. Intermittent leave under Non-FMLA is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADAAA. Requests for disability related accommodations should be made to the Office of Human Resources.

**A**. **Requesting a Non-FMLA Medical Leave**

The employee is expected to provide at least 30 days' notice when requesting leave. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable will be denied.

**B. Certifications for Non-FMLA Medical Leave**

Alcorn State University will require certification for the employee's serious health condition. The Office of Human Resources will receive all medical certifications. The employee must respond to the request for certification within 15 calendar days of the notice of eligibility. Failure to comply with the above mentioned requirements will result in denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including employment termination.

***Incomplete Certifications***If an incomplete medical certification is received, The Office of Human Resources will have the employee contact the physician (or other approved health care provider) . The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave will be denied.

**C**. **Pay Status While on Non-FMLA Medical Leave**

An employee who is taking Non-FMLA Medical Leave must use all accrued time prior to being placed in an unpaid leave status.

***Unpaid Status***
Accrued time off ceases when the employee moves to an unpaid status. Accrued time off will restart upon the employee's return to paid status.

**D**. **Job Restoration from Non-FMLA**

Employees who take a non-FMLA Medical Leave do not have job restoration rights. However, Alcorn State University will generally reinstate the employee to the same position or a position with equivalent status, pay, benefits and other employment terms upon the employee's return before or at the end of the approved leave period. In the event Alcorn State University is not able to restore the employee, the employee will receive written notice from the Office of Human Resources (staff); in conjunction with the Office of Academic Affairs (faculty).

**E. Notice Requirements for Returning from Non-FMLA Medical Leave**

Employees are expected to be able to return to work by the end of their approved leave. Prior to returning from leave for a personal health condition, the employee must secure a release from his or her healthcare provider confirming the release to return to work to perform regular duties or set forth any restrictions. The Fitness for Duty Form should be completed and submitted to the Office of Human Resources at least two (2) days in advance of the expected date of return reflected on the Request for Leave form. After the supervisor has reviewed the form, it should be forwarded to the Office of Human Resources where it will be retained.

If the employee is released to return to work with restrictions, the department in consultation with the Office of Human Resources will determine whether the restriction can be reasonably accommodated. Medical restrictions are those that prevent the employee from performing his or her regular duties at the end of the approved leave due to a continuing medical condition.

If an employee on leave for personal medical reasons is released to return to work sooner than the expected return date listed on the Leave Request, the employee must notify the Office of Human Resources within two (2) business days of receiving the release.

***Unable to Return from Non-FMLA Medical Leave***

If the employee is not medically released to return to work at the end of his or her leave and the employee has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADAAA, or for other reasons (staff). Termination of employment for faculty members “unable to return from leave” effective the last day of the approved leave, barring a continuation of leave has been granted as an accommodation under the ADAAA, or other reasons, will be processed through the Office of Academic Affairs, per the provisions of the Faculty Handbook.

 ***Failure to Return from Non-FMLA Medical Leave***

Any employee who fails to return to work as scheduled after leave may be subject to dismissal from employment. Employees who exceed their leave without extension(s) of their leave approved under appropriate leave provisions, may be subject to termination of employment pursuant to the Office of Human Resources’ Termination Policy (staff), or the Faculty Handbook (faculty).

**Personal Leave of Absence**

An eligible employee who has completed at least 12 months of service and who is in good standing may request personal time off for reasons such as educational opportunities, to care for a family member, or to spend time with a new baby or child placed in the home within the first 12 months of service in situations not covered by the FMLA. Such leave approval or denial is at the discretion of the department and the Office of Human Resources. Personal leaves are not granted for engaging in employment outside of Alcorn State University, pursuing an independent business venture or as additional leave after Non-FMLA Medical Leave. Intermittent leave under Personal Leave is not permitted.

**A. Pay status While on Personal Leave**

An employee who is taking Personal Leave must use all accrued leave time prior to being eligible for unpaid leave.

***Unpaid Status***
Accrued time off ceases when the employee moves to an unpaid status. Accrued time off will restart upon the employee's return to paid status.

**B. Job Restoration from Personal Leave**

Alcorn State University will generally reinstate employees to the same position or position with equivalent status, pay, benefits and other employment terms if they return at the end of the agreed upon duration of their leave. If additional time is needed beyond the original request, the department will make a determination on the need for additional leave. In the event Alcorn State University will not be able to restore the employee at the end of their leave, the employee will receive written notice of employment ending.

**C. Notice Requirements for Returning from Personal Leave**

Employees are expected to be able to return to work by the end of their approved leave. If an employee on leave plans to return to work sooner than the expected return date listed on the Leave Request, the employee must notify his or her supervisor within two (2) business days of receiving the release.

*Failure to Return from Personal Leave*

Any employee who fails to return to work as scheduled after leave may be subject to dismissal from employment. Employees who exceed their leave without extension(s) of their leave approved under appropriate leave provisions, may be subject to dismissal from employment and applicable attendance policies.

**Employee Benefits While on Leave**

While an employee is on leave, Alcorn State University will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work as long as the employee pays any required portion of the health care premium.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. Any payroll deductions missed while on leave that are not billed through direct bill will be deducted from the employee’s check when he or she returns from leave.

While on unpaid leave, the employee must continue to make this payment by mail to the Office of Human Resources, Payable to Alcorn State University, 1000 ASU Drive #390, Lorman, MS 39096. The payment must be received by the fifth day of every month. A 30-day grace period applies. If full payment is not postmarked within the 30-day grace period, benefits may be terminated.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, Alcorn State University may require the employee to reimburse the university the amount paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, Alcorn State University will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. If the employee does not continue these payments, Alcorn State University may discontinue coverage during the leave.

**Coordination with Other Policies**

**A. Attendance and Non-FMLA Medical/Personal Leave**

Absences covered under Non-FMLA Medical or Personal Leave will not be counted as occurrences of absenteeism under Alcorn State University's attendance policy. However, employees may be subject to discipline up to an including employment termination if, during their leave, they engage in activities inconsistent with the stated purpose for the leave. For example, employees may be prohibited from engaging in other similar employment during leave. Misrepresentations or any act of dishonesty related to these leave will also be grounds for discipline, up to and including employment termination.

**B. Worker’s Compensation and Non-FMLA Medical/Personal Leave**

Non-FMLA Medical Leave and Worker's Compensation can run concurrently. Non-FMLA Medical Leave requests for work injuries involving Workers' Compensation should follow the same process as FMLA Leave policy with respect to the verification or clarification of the medical certification.