

### I. PURPOSE

University of Arkansas Community College at Batesville (UACCB) recognizes the importance of achieving a healthy balance between work and family responsibilities. The Family and Medical Leave Act of 1993 (“FMLA”) requires certain employers to allow eligible employees to take up to 12 weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, or to care for a seriously ill family member. Also, certain family members of members of the Armed Forces are allowed 26 workweeks of leave to care for ill or recuperating family member as described below. An eligible employee is one who has at least 12 months of employment with the State of Arkansas and has worked at least 1,250 hours during the previous 12-month period. The purpose of this policy is to notify the campus benefit manager within UACCB of the guidelines established by the FMLA and to ensure that uniform procedures and compliance exist across the campus.

### II. POLICY

Per UA System Policy 425.2, “as part of its strategic commitment to update and harmonize the leave program for faculty and staff at the various campuses, division and units, the University of Arkansas System is aligning the calculation of this 12-month time period among the system campuses to a “counting forward” 12-month period, measured from the date of the employee’s first use of FMLA leave for a qualifying event.”

Family and medical leave may be requested for:

- **Birth, adoption, or foster care ---** A new parent or foster parent may apply for leave within one year after the child is born or placed in the parent’s home with the leave to be taken in one single period. If both parents work for UACCB, the 12 week leave period will be combined. The parents do not each have twelve weeks of FMLA available for these situations.
  - **The employee’s serious health condition, as defined by law ---** This includes an employee who requires inpatient treatment, has a chronic health problem, is incapacitated for more than three calendar days while receiving medical treatment, or has a non-chronic health condition that could result in a period of incapacity for more than three calendar days without medical treatment or is pregnant (including prenatal care).
  - **A serious health condition, as defined by law, of an employee’s spouse, child, or parent and for whom the employee is needed to provide care.**
  - **The spouse, son, daughter, parent, or next of kin of a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The relative listed above is allowed to take up to 26 work weeks of leave. Unlike other forms of FMLA leave, an employer may not select the 12-month period used for computing available Military Caregiver leave. Rather, the 12-month period begins on the first day the employee takes leave for this purpose and ends 12-months thereafter.**
1. An employee must provide the campus benefit manager within UACCB with 30 days’ notice or as much notice as is practicable of the intention to use FMLA leave, when the necessity for leave is unforeseeable. If the need for FMLA leave is not foreseeable, the employee should give notice to the campus benefit manager within UACCB of the need for FMLA leave as soon practicable under the facts and circumstances of the particular case.
  2. Leave may be taken on a continuous, reduced, or intermittent basis depending upon the situation. A reduced leave schedule is one which reduces an employee’s usual number of working hours per

workweek or hours per workday. Intermittent leave is taken in separate blocks of time due to a single qualifying reason. Employees should contact their immediate supervisor to request reduced or intermittent leave. (Additional information on reduced and intermittent leave appears at the end of this administrative guide policy.) Under certain circumstances authorized by law, UACCB may temporarily transfer the employee to an alternative position at equivalent pay and benefits in order to accommodate an employee's intermittent or reduced leave schedule.

3. UACCB requires employees to use all unused sick days, annual/vacation days, and personal holidays during any FMLA leave. If an employee has exhausted all paid leave, the balance of the FMLA leave is unpaid. (Exception: The State of Arkansas, OPM Section 105.5.1, provides that an employee taking maternity leave may elect to take a leave of absence without pay and not exhaust their accumulated annual and sick leave)
4. FMLA leave runs concurrently with any paid or unpaid leave that is taken (e.g., Worker's Compensation). Any leave falling under the protection of FMLA cannot be classified as an occurrence in any absence control policy or practice, nor may any disciplinary action be taken for absences covered by FMLA.
5. An employee will not accrue sick days, vacation days, or personal holidays while on an unpaid FMLA leave. While on unpaid intermittent or reduced schedule FMLA leave, an employee's accrual of sick, vacation, and personal days will be pro-rated in accordance with the intermittent or reduced work schedule. When FMLA leave is unpaid, the Human Resources office will contact the employee to arrange for payment of their insurance premiums.
6. When FMLA leave is paid leave, the employee may maintain regular payroll deductions for benefit coverage, and UACCB will continue to pay the University share. The employee will also accrue vacation, sick, and holiday hours as long as they are on paid leave.
7. UACCB may designate the leave FMLA when the guidelines for receiving leave are met. UACCB will notify the employee in writing that their leave will be classified as FMLA.
8. Under certain circumstances authorized by law, UACCB may require an employee on FMLA leave to furnish recertification relating to a serious health condition, report periodically on the employee's status and intent to return to work, and/or require that the employee submit a medical certification that the employee is able to return to work prior to being restored to employment.
9. Upon return from FMLA leave, the employee is entitled to be returned to the same position held when FMLA leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. In the event that an employee's position is eliminated as part of a scheduled reduction in force while the employee is on leave, UACCB is not obligated to reinstate the employee unless there is an open equivalent position available at the time the employee is able to return to work and for which the employee is otherwise qualified.
10. If an employee fails to return to work following FMLA leave, the employee may be required to reimburse UACCB for its share of benefit premiums paid on the employee's behalf during the period of unpaid FMLA leave. If it becomes known that the employee is not returning to work and, therefore, ceases to be entitled to FMLA leave, the University's obligation to provide health benefits (except as provided under COBRA) and to restore the employee to work will cease at that time. COBRA will be

offered at the end of the 12 weeks of FMLA or when the employee notifies the employer that he/she will not be returning to work.

11. When an employee completes twelve (12) weeks FMLA leave in any twelve (12) month period and has not returned to work, the supervisor should contact the Human Resources office for guidance.
  
12. UACCB may require departments at the campus to be responsible for all documentation and record keeping and must maintain a record of all leave reports involving FMLA for a minimum of three years. This confidential file must be kept separate from other files and only include medical documents.

Adopted: February 27, 2009

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