

Academic Affairs Manual (ACD)

ACD 702–03: Family Leave

Effective: 8/5/1993

Revised: 7/1/2011

Purpose

To allow employees time off to care for family members or themselves during periods of medical urgency or the birth, adoption, or placement of a child with the employee

Sources

Family and Medical Leave Act of 1993 as amended

Arizona Board of Regents Policy Manual - 6–805

Eligibility

All ASU employees, including faculty, academic professionals, administrators, service professionals, and classified staff who have been employed at ASU for at least 12 months and have worked at least 1,250 hours during the previous 12 months

Policy

An eligible [employee](#) is entitled to apply for up to a total of 12 work weeks for family leave during any 12-month period. Each 12-month period is based on the anniversary of the hire date. ASU will pay the employer portion of group health insurance premiums during the 12week period.

Use of Family Leave

An eligible employee will be placed on family leave as follows:

Child Care

A leave of absence may be used for the birth, adoption, or placement with an ASU employee for foster care of a child. Child care [family](#) leave must be taken within the 12 months after the birth or placement of the child with the employee. Accrued vacation time may be used for the leave. After accrued vacation time is exhausted, the remainder of the leave time is without pay.

If spouses who are both employed by the university desire child care leave, they are entitled to an aggregate of 12 weeks within the first 12 months after birth, adoption, or placement of the child in their household.

Child care leave must be taken during one continuous time period. With the supervisor’s approval, leave may be taken on a reduced work schedule, meaning a schedule that reduces the number of hours worked per day or week but not to exceed the equivalent of 12 work weeks, e.g., 60 work days for 100 percent FTE employees.

Care of Self or Family Members for Medical Reasons

A leave of absence may be used for:

1. the care of a child, parent, spouse, or member of the employee's established household who has a serious health condition. Child includes biological, adopted, foster, or step child, or legal ward, who is under 18 years of age, or 18 years or older if the child is incapable of self-care due to a physical or mental [disability](#)

or

2. a serious health condition that renders the employee incapable of performing job functions. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves one of the following:

- a. Hospital Care

Inpatient care, i.e., an overnight stay, in a hospital, hospice, or residential medical care facility, including a period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. b.

Absence Plus Treatment

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, e.g., physical therapist, under order of, or on referral by a health care provider

or

2. treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.

Note: Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications, such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition that:

- a. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider
- b. continues over an extended period of time (including recurring episodes of a single underlying condition)

and

- c. may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

5. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

7. Military Caregiver Leave

A leave of absence may be used for "any qualifying exigency" (as defined under federal regulation) arising out of the fact that the spouse, son, daughter, or parent of the eligible employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. The period of leave may be up to 12 weeks.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member (i.e., a member of the Armed Forces, including a member of the National Guard or Reserves) may request a leave of absence for a period of up to 26 weeks in a single 12-month period to care for the covered service member who is recovering from a serious illness or injury (e.g., undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list) sustained in the line of duty on active duty. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Scheduling Medical Leave

Medical leave may be taken as a single block of time or on an intermittent basis or a reduced work schedule basis as specified by the eligible employee's health care provider. In the case of intermittent leave or a reduced work schedule, the employee must try to schedule leave so as not to disrupt unit or university operations. If an employee uses medical leave intermittently or on a reduced schedule basis, the university may transfer the employee temporarily to an available alternative position for which the employee is qualified, if the alternative position provides the same salary and benefits and better accommodates an intermittent or reduced schedule than the regular position held by the employee.

Request for Leave

An eligible employee may request to use Family Leave either by contacting his or her supervisor or the leave coordinator in the Office of Human Resources. The university may also initiate the application of the Family Leave policy with any eligible employee when sufficient information exists to suggest that Family Leave may be relevant. For further information on the applicable procedure to request either child care leave or medical leave for a family member or for the employee or military caregiver leave, please go to [P15](#), "Family Leave Procedures."

Benefits Coverage

The university will pay the employer's portion of health insurance premiums for benefits coverage during family leave whether the employee is in pay or non-pay status; the employee will pay the employee's portion. However, if the employee's premium payment is more than 30 days late, the university may discontinue coverage during the leave period.

If the employee does not return to work within 30 days after the expiration of the leave, the university has the right to recover the employer's portion of the premium payments made for the employee during the family leave period, unless the employee does not return due to the continuation or recurrence of the serious health condition, or other circumstances beyond the employee's control.

Restoration of Position

On return from family leave, an employee will be restored to his or her position or to an equivalent position with equivalent benefits, grade, pay, and terms and conditions of employment, including salary increases that would have been available had the employee not taken leave.

Continuation of Leave after Family Leave Expires

An employee who desires to extend leave after the 12-week family leave period has expired may request an extended leave of absence under [ACD 707](#), "Leave of Absence Without Pay," or [ACD 702-02](#), "Health-Related Leave."

Retirement Contribution

An employee will not earn service credit or have retirement contributions paid by the university while in non-pay status.

Resolution of Certification Disputes

The university may require a second opinion, at the university expense, of a health care provider approved by the university. If the second opinion differs from the original certification, the eligible employee may be required to obtain the opinion of third health care provider mutually agreed upon by the university and employee. The university shall pay the cost of the opinion of the third health care provider whose opinion shall be final and binding. This provider may not be retained on a regular basis by the university or by the employee or otherwise hear a close relationship to the university or employee.

The university may require that the employee obtain subsequent certification on a reasonable basis. The university shall keep any medical information obtained from a certification report confidential, and will use such information only to make decisions regarding the employee's family or medical leave.

Cross-References

1. [ACD 702-02](#), "Health-Related Leave."
2. [ACD 707](#), "Leave of Absence without Pay."
3. [ACD 710](#), "Parental Leave with Pay."