



## **Policy 4.77 Medical (Non-FMLA)**

**Responsible Official:** VP for Human Resources

**Administering Division/Department:** Leaves of Absence

**Effective Date:** March 30, 2007

**Last Revision:** October 11, 2017

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### **Overview**

An employee may request a medical leave of absence for a serious health condition which renders them unable to perform the functions of their job, an on the job injury, or an illness contracted while on the job. A serious health condition is defined as any illness, injury, impairment, or physical or mental condition.

### **Applicability**

Eligible employees include regular full-time employees and regular part-time employees who work at least 20 hours per workweek, and who are otherwise ineligible for Family Medical Leave Act (FMLA) leave for their own serious health condition or have exhausted FMLA leave. Temporary employees are not eligible for Medical Leave (Non-FMLA).

### **Policy Details**

#### **FACULTY STAFF ASSISTANCE PROGRAM (FSAP)**

The Emory Faculty Staff Assistance Program is available:

- To authorize an employee's need for absence from work, or a medical leave of absence based on clinical review.
- To facilitate communications with an employee's department or the employee's return to work based on medical authorization/clinical review.

#### **REQUESTING LEAVE**

An employee must complete an online Leave of Absence Request Form for a medical leave to his/her department management as soon as practicable.

Authorization from a health care provider must be sent to Human Resources, Employee Relations and must contain the following information:

- The date on which the serious health condition began.

- The probable duration of the condition.
- The appropriate medical facts about the condition.
- A statement that the employee is unable to perform the functions of his/her job.

When an employee is medically unable to request leave or to provide medical confirmation, department management should request assistance from Employee Relations, Human Resources.

When seeking non-FMLA medical leave, employees may be required to provide second or third medical opinions and periodic re-certifications may also be required;

A statement from a health care provider verifying the current status of an employee's serious health condition may be required at any time during a medical leave.

Before an employee may return to work from a medical leave, the employee must present documentation from a health care provider to resume all job duties and responsibilities.

Failure to comply with the foregoing requirements may result in delay or denial of leave or reinstatement from leave.

### **DURATION**

Requests for extensions should be submitted to the appropriate department manager at least two calendar days before the expiration date of the leave.

Medical leave shall be granted based on the statement from a health care provider that the employee continues to be medically unable to return to work. The medical documentation must be sent to Human Resources, Employee Relations.

Each request for an extension of medical leave will be assessed individually.

As of January 1, 1998, regular employees who have met the minimum 10-year requirement for years of service to retire on or before the date of medical disability but have not met the minimum age requirement (age 55):

- To afford the employee the opportunity to retire with benefits, Emory allows the employee to continue on leave of absence (LOA) until the time he/she meets the minimum age requirement to retire.
- At retirement the employee's health and life benefits transfer from an active employee status to a retiree status. The employee's retirement benefits are the same as other employees retiring without medical disability.
- When the employee/retiree become Medicare eligible, Medicare coverage becomes primary and the group plan secondary.

For employees who do not meet the minimum service requirement for retirement on or before the date of medical disability:

- The employee can remain on medical leave of absence for 29 months and retain the active employee rate for health and dental coverage.
- At the end of 29 months, the employee is terminated. COBRA is offered (for 29 months) or Medicare eligibility, whichever comes first.
- The above provisions do not apply to employees out of work because of worker's compensation medical disability. These employees are not terminated even if they do not have benefits, unless the employee and Emory reach a settlement.

Employees currently on LOA that began prior to January 1, 1998 will be grandfathered and are subject to previous policies for faculty and staff. The former previous policy provided:

- Staff employees remain on medical disability leave until age 65 as long as the employee had coverage for health, life, or dental prior to the disability. If these coverages became inactive prior to age 65, the employee was terminated. Employees on medical disability because of a worker's compensation injury are not terminated unless a settlement is reached with Emory.

### **USE OF SHORT TERM DISABILITY WHILE ON LEAVE**

Employees must use any accrued, unused sick leave to satisfy their Short Term Disability waiting period. Employees have the option to use accrued, unused vacation and floating holiday leave following exhaustion of their sick leave to satisfy the STD waiting period. Approved STD benefits will begin the later of,

- the end of the employee's STD waiting period
- the date the employee's accrued sick leave and optional use of paid vacation or floating holiday leave end

However, concurrent payment of STD benefits and accrued, unused leave is not allowed.

### **MEDICAL DISABILITY DEPARTMENT**

Employees who have been approved for long term disability benefits will be transferred from their original department to a special department in Human Resources Benefits for managing long-term disability cases.

### **USE OF PAID LEAVE**

At the beginning of the leave of absence, employees must use any accrued sick leave hours before entering into a non-paid status. If sick leave is exhausted, the employee may then use unused vacation leave, floating holidays and accrued holiday hours. Employees do not accrue leave benefits while on unpaid leave.

### **BENEFITS**

Eligible employees can:

- Continue their employee health and other benefits at the regular employee premium rates.
- Continue the child or spouse Courtesy Scholarship benefits for which they are eligible or become eligible during the leave.

No contributions may be made to the Emory University Retirement Plan by the employee or on behalf of the employee while on leave without pay. Further, employees are not eligible to accrue paid leave during leave without pay periods.

### **ADMINISTRATIVE PROCEDURES**

An electronic Human Resources Action Form must be submitted to Human Resources when an employee is on paid and unpaid Medical Leave (Non-FMLA). The employee must complete the online Leave of Absence (LOA) request form and have his/her healthcare provider provide documentation to support the reason for medical leave to Human Resources, Employee Relations. Forms are available in Human Resources and on the web site <http://emory.hr.emory.edu/forms.nsf/>.

### **REINSTATEMENT TO POSITION**

Depending on the length of the leave and the operational needs of the department, a position may or may not be held. (Please reference the Family and Medical Leave Policy for eligible employees who have completed 12 consecutive months of employment.)

### **Related Links**

- Current Version of This Policy: <http://policies.emory.edu/4.77>
- [HRAF Form](http://emory.hr.emory.edu/forms.nsf/) (<http://emory.hr.emory.edu/forms.nsf/>)

### **Contact Information**

<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>Email</b>
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### **Revision History**

- Version Published on: Oct 17, 2014
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- Version Published on: Oct 17, 2014
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- Version Published on: Oct 24, 2013
- Version Published on: Sep 26, 2012
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