Policy 4.77
Medical (Non-FMLA)

This policy version was not current at the time of printing. Please see http://policies.emory.edu/4.77 for the current version.

Responsible Official: VP for Human Resources
Administering Division/Department: Leaves of Absence
Effective Date: March 30, 2007
Last Revision: July 03, 2007

Policy Sections:

I. Overview
II. Applicability
III. Policy Details
IV. Related Links
V. Revision History

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 jobs, 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.

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 submit a completed Leave of Absence Request Form for a medical leave to his/her department management as soon as practicable.

Authorization from a health care provider or the Faculty Staff Assistance Program (FSAP) must be sent to Employee Relations, Human Resources 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 Human Resources.

A statement from a health care provider or the FSAP 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 or the FSAP to resume all job duties and responsibilities.

**DURATION**

Requests for extensions must normally 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 or the FSAP that the employee continues to be medically unable to return to work. The medical documentation must be sent to Employee Relations, Human Resources.

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

**Effective January 1, 1998, Emory modified its policy regarding the length of time an employee could be on a medical leave. The new policy is:**

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

**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.

**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.)
USE OF PAID LEAVE
At the beginning of the leave of absence, employees must use any accrued sick leave, vacation leave, and floating holiday hours before entering into a non-paid status. Employees must first use accrued sick leave. If sick leave is exhausted, the employee must 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
A Human Resources Action Form must be submitted to Human Resources when an employee is on paid and unpaid Medical Leave (Non-FMLA). The department is responsible for attaching the Leave of Absence Request Form and supporting documentation explaining the reason for Medical Leave (Non-FMLA). Forms are available in Human Resources and on the web site http://emory.hr.emory.edu/forms.nsf/.

Related Links

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

Revision History

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.