

MEDICAL LEAVE OF ABSENCE

Under certain circumstances, the University may permit an employee who has exhausted all of his/her available FMLA leave or an employee who is not eligible for FMLA leave, to take a medical leave of absence for the employee's own serious health condition. A medical leave of absence is not available for employees holding positions that are temporary in nature. The following procedures were developed for consistent administration of the "certain circumstances" referred to in Policy 5-200 and Rule 5-200A, where a Long-Term Medical Leave of Absence will be approved. Medical Leaves of Absence may be granted for an estimated or definite period of time by the cognizant Vice President upon recommendation of the responsible officer(s) and the Human Resources Department. During a Medical Leave of Absence, the employee is able to maintain health care coverage and certain other University benefits for a limited period of time.

Eligibility: To be eligible for a Medical Leave of Absence, the employee must meet the disability definition of the University's Long Term Disability Plan: "completely unable due to sickness, bodily injury, or pregnancy to perform the material and substantial duties of the employee's normal occupation and not performing any other occupation".

Option A: If (1) the employee's department/unit has the ability, both financially and operationally, to cover the employee's absence; (2) no disciplinary action has been taken against the employee in the previous twelve months; (3) the employee has not been on a leave of absence for six months or more during any twelve-month period prior to the date this leave begins; (4) the employee has completed his/her Probationary Period; and (5) there is a reasonable expectation that the employee will be able to return to full duty within six months; the employee remains an employee of the department for a period not to exceed the first six months of the leave, including any time covered by FMLA or accrued leave time. If the employee is released to return to work within six months, the employee will be returned to the position of employment held when the leave commenced or to an equivalent position in the same department with equivalent employment benefits, pay and other terms and conditions of employment. To facilitate discharge of the University's obligation of reinstatement under the "six month" rule (see Policy 5-200 and Rule 5-200A), the responsible officer shall not fill the position with a permanent employee during the first six months of a Medical Leave of Absence meeting the eligibility criteria described above (Option A). If the employee is released after more than six months but less than one year, the University will make a good faith effort, subject to availability of funds and vacant positions, to restore the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment or to another position for which the employee is qualified.

Option B: If the requirements for Option A are not satisfied, the eligible employee will be placed on an approved Medical Leave of Absence and separated from his/her current position. The University has no obligation to reinstate or make any effort to reinstate the employee in any employment position. If the employee is released to return to work within one year of the date the leave began, the Human Resources Department will provide the employee two one-hour coaching sessions on locating and applying for available University positions. The coaching sessions will be held during the thirty-day period between the time the employee notifies the Department of his/her release to return to work or during the 30 days immediately following the employee's release to return to work.

Process

1. Employee completes Request for Medical Leave of Absence Form and delivers to supervisor.
2. Employee obtains Certification of Health Care Provider and submits to Human Resources Department.
3. Supervisor reviews Request and recommends that the leave be approved under Option A or Option B.
4. Supervisor forwards completed Request to the Chair/Department Head, Dean, and Cognizant Vice President for signature.
5. Completed Request is faxed to the Human Resources Department at 801-585-7375.
6. Human Resources Dept. reviews Request and Certification of Health Care Provider and notifies employee and supervisor of final approval or denial.
7. If approved, employee must contact Benefits Department at 801-581-7447 regarding continuation of University benefits. Employee may be required to pay the full cost of health coverage during the first 6 months of the medical leave of absence.
8. Employee gives notification of intent to return to work thirty days prior to expected return date.
 - If approved under Option A and employee will return within 6 months of the date leave began, employee notifies department. Employee provides release to return to work to supervisor and returns to work.
 - If approved under Option B and/or employee will return more than 6 months after the date leave began, employee notifies Human Resources Department. Human Resources Department will provide two one-hour coaching sessions to employee on locating and applying for available positions. If employee is not hired into a position with the University on or before his/her release to return to work date, employee's employment with the University will end. The individual can continue to apply for positions through the normal posting process.