

## SUMMARY OF LEAVE OF ABSENCE OPTIONS & REQUIRED DOCUMENTS

All full time faculty and staff who are absent from work due to medical reasons for more than five (5) consecutive days or for surgery are *“required”* to provide to the HR/Benefits Office written medical verification and a release for work from a licensed physician (or other licensed medical provider who treated the employee). This requirement includes employees using sick leave. **Employees are required to use all sick and annual leave for a medical illness.**

### Family Medical Leave Act (FMLA)

Employees are entitled under the FMLA to 12 weeks of unpaid (paid if using sick/annual leave) job protected leave in a 12 month period (*employee must have worked 1250 hours and at least 12 months for FSU or Pierpont*) for the following reasons:

- For a serious health condition that makes the employee unable to perform the employees job
- Incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter or parent with a serious health condition;
- Military Qualifying Exigency leave or Military Caregiver Leave (see below)

#### **REQUIRED MEDICAL DOCUMENTATION**

**The leave requires a “written statement” from a licensed health care provider that includes: Information regarding the medical condition, diagnosis, prognosis, functional limitations, including duration and treatment plan, and return to work date.**

Employees not eligible for FMLA may request a leave of absence for the length of time designated by the health care provider (maximum is 12 months in any 12 month period).

### Military Exigency Leave

FMLA may be used for eligible employees whose spouse, son, daughter, or parent is on covered active duty or called to active duty. The employee is entitled to a 12-week leave to address certain qualifying exigencies.

### Military Caregiver Leave

FMLA permits eligible employees to take up to 26 workweeks of leave in a 12 month period to care for a covered service family member who is undergoing medical treatment, etc. Employees may take no more than 26 weeks off in a single 12 month period for all FMLA qualified reasons, combined.

### Parental Leave

A full time employee who has worked at least 12 consecutive weeks for the state may request up to 12 weeks unpaid parental leave. The request may be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee’s spouse, son, daughter parent or dependent with a serious health condition. *Employee must exhaust all annual leave and pay both the employee and employer cost of health insurance.* No more than 12 weeks of parental leave may be taken in any 12 consecutive month period.

### Assurant Short Term Disability and Standard Long Term Disability

Requires the employee to contact Benefits Office (367-4113) for information and claim application forms.

### Catastrophic Leave with Pay

Classified, non-classified and 12-month faculty experiences a catastrophic illness or injury as defined by WV Code and FSU/Pierpont may request approval to receive paid leave time donated by other employees within the institution. *Employee must exhaust all annual and sick leave.* Upon return from leave, employee will be changed to “hourly” payroll status. Max: 12 months in any 12-month period or until donations are

exhausted. Catastrophic leave counts toward FMLA.

### **Military Leave with Pay**

Employee who is a member of National Guard or Reserves is entitled to 30 days paid leave in any one calendar year. Leave **requires** order or statement in writing from appropriate military officer.

### **Workers' Compensation**

Employee is required to complete the Election of Option form. The leave will be counted toward FMLA. Employee will continue to pay the employee share of health premium.

### **Personal Leave without Pay**

Employee must send a request to Benefits Office. Approval may be subject to written approval of the employee's supervisor. If approved, employee may be granted a continuous leave of absence without pay not to exceed 12 consecutive months. The employee must exhaust all annual leave and pay both the employee and the employer cost of health insurance.

This institution has the right to look at individuals on a case-by-case basis; however, a leave of absence may not extend past one year and will include a possible combination of FMLA, sick and annual leave, unpaid leave, catastrophic, and parental leave. Having a leave balance in excess of one year's absence does not entitle the employee to remain on medical leave of absence in order to exhaust that leave. PEIA states that a leave of absence is intended for an employee who is expected to return to work and for whom the employer maintains an open position; this will be done for a maximum of one year of paid leave, unpaid leave, or any combination thereof.

**This is a brief summary of various types of leave of absence options. Questions regarding these leaves or eligibility issues relating to these leaves should be directed to the Human Resources, Benefits Office 304-367-4113.**