



Title: Family and Medical Leave Policy
Effective Date: July 1, 2025
Issuing Authority: Senior Vice President for Administration and Finance
Policy Contact: Associate Vice President for Human Resources
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Purpose

The purpose of this policy is to provide employees with a basic understanding of their rights and obligations under the Family and Medical Leave Act (FMLA).

Scope

This policy applies to all employees of Mercer University who have been employed by the University for at least 12 months (need not be consecutive; breaks must not exceed 7 years) and who have worked at least 1,250 hours during the 12 months immediately preceding the start of the leave period.

Exclusions

None

Definitions

As used in this policy, the following term(s) have the meaning specified below:

Child: a biological, adopted, step or foster child, a legal ward, or a child of an individual standing in loco parentis and who is either under 18 years of age or is 18 years of age or older and incapable of self-care due to a mental or physical disability as defined by the Americans with Disabilities Act.

Covered Active Duty: deployment of a member of the Armed Forces to a foreign country or a member of the National Guard or Reserves deployed with the Armed Forces to a foreign country, under a call or order to active duty in support of a contingency operation.

Covered Service Member: a current member of the Armed Forces, including members of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Covered Veteran: a veteran of the Armed Forces, including veterans of the National Guard or Reserves, who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to when the eligible employee first uses FMLA military caregiver leave to care for them and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Eligible Employee: an employee of Mercer University who has been (1) employed by Mercer for at least 12 months (need not be consecutive; breaks must not exceed 7 years); and (2) worked at least 1,250 hours during the 12 months immediately preceding the start of the FMLA leave.

Healthcare Provider: a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or any other person determined by 29 C.F.R. 825.125(b) of the Family Medical Leave Act to be capable of providing health care services.

In loco parentis: standing in the role of a parent to include having day-to-day responsibilities to care for and/or financially support a child.

Inpatient Care: an overnight stay in a hospital, hospice, or residential medical care facility, including any incapacity or subsequent treatment.

Parent: a biological, adoptive, step or foster parent, or other person who stood "in loco parentis" to a child by providing day-to-day care and financial support. In-laws are not covered by this policy.

Rolling Calendar Year: a 12-month period measured backward from the date an employee uses any FMLA leave. Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Serious Health Condition: an illness, injury, impairment, or physical or mental condition of the employee or covered family member that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three (3) consecutive workdays that also involves continuing treatment by (or under the supervision of) a health care provider; or
- a period of incapacity resulting in intermittent absences that persist more than one (1) day/month on a recurring basis that also involves continuing treatment by (or under the supervision of) a health care provider.

Spouse: a husband or wife as defined or recognized under appropriate state law. Individuals in civil unions and domestic partnerships are not considered spouses.

Policy Statement

In accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended, Mercer University provides up to 12 workweeks of unpaid, job-protected leave to eligible employees for specified family and medical reasons during a rolling 12-month calendar or up to 26 workweeks for the care of a covered service member during a single 12-month period. FMLA leave may be paid, unpaid or a combination of paid and unpaid leave as specified in this policy. Even if an employee has paid sick and/or vacation leave available to cover absence(s), if the need for absence is for a FMLA-qualifying reason, this policy will be followed.

The Human Resources Office is responsible for administering the FMLA policy, including all notifications and forms, and monitoring compliance with all FMLA regulations.

Qualifying Reasons

Eligible employees may take up to 12 workweeks of FMLA leave during a rolling 12-month calendar for one or more of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care during the 12-month period following the birth or placement;
- To care for a spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the essential functions of their job; and
- For qualifying exigencies related to the foreign deployment of a spouse, child, or parent who is a current member of the Armed Forces, including current members of the National Guard or Reserves, and on covered active duty or under an impending call to covered active duty.

Eligible employees may take up to 26 workweeks of FMLA leave during a single 12-month period to care for a covered veteran or covered service member with a serious injury or illness that was incurred in the line of duty on active duty or a pre-existing condition that was aggravated by service in the line of duty on active duty. Military caregiver leave is available to an eligible employee once per covered service member, per serious injury or illness.

Employee Notice Requirements

When the need for leave is foreseeable, employees must provide at least 30 calendar days advance notice to Human Resources. When the need for leave is unforeseen or there is a need for intermittent leave occurring more than one (1) day/month on a consistent basis, the employee must provide notice as early as circumstances permit, generally within two working days of learning of the need for leave.

Employees must provide sufficient information for the University to determine if the need for leave qualifies for FMLA protection and the anticipated timing and duration of the leave. Employees must also inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified. When the requested leave is for (1) a serious health condition of the employee, (2) to provide care for a spouse, child, or parent with a serious health condition, (3) a qualifying exigency, or (4) military caregiver, the employee will be required to provide a completed certification form within 15 calendar days of receipt of the notice of FMLA rights. It is the employee's responsibility to furnish a complete and sufficient certification and if necessary, furnish any authorization that may be required to release a complete and sufficient certification to support the employee's FMLA request. Recertification of medical conditions may also be requested at reasonable intervals.

If an employee does not comply with the usual notice and procedural requirements, and no unusual circumstances justify the failure to do so, FMLA leave may be delayed or denied.

University Notice Requirements

Within five (5) business days of receiving notice of an employee's need for leave, Human Resources will inform the employee if they are eligible under the FMLA policy. If eligible, the employee will receive a written notice of their rights and responsibilities under the FMLA policy, as well as notification of any additional required documentation or certifications. If the employee is not eligible for FMLA leave, the University will provide a reason for the ineligibility.

Calculation of FMLA Leave

FMLA leave begins the first day of absence for an approved, qualifying event. The amount of FMLA leave available to an employee at the time of their leave request will be measured on a rolling 12-month calendar.

FMLA leave for the care of a covered service member with a serious injury or illness that was incurred in the line of duty while on active duty will be for a single 12-month period.

For faculty on contracts less than 12 months, the FMLA leave period is generally only counted during the base contract term as determined by the Dean of the respective school/college. Based on the academic calendar for the school/college, official academic breaks are also generally not counted as FMLA leave.

Intermittent Leave/Reduced Schedule

Under certain circumstances, FMLA leave may need to be taken on an intermittent basis (in separate blocks of time) or on a reduced schedule by reducing the employee's usual working hours per workweek or workday, to include:

- When medically necessary for employee's own qualifying serious health condition as certified by a healthcare provider; or
- To care for the employee's spouse, child, parent or covered service member with a qualifying serious health condition as certified by a healthcare provider; or

- Qualifying exigencies; or
- The birth of a child or placement of a child with the employee for adoption or foster care during the 12-month period following the birth or placement, only if approved in advance by the supervisor and/or Dean and Human Resources.

Where the leave is because of a serious health condition of the employee or for the care of a covered family member with a serious health condition, the employee must provide a medical certification indicating the need for intermittent leave or reduced work schedule.

Employees must make reasonable efforts to schedule leave for planned medical appointments so as to not unduly disrupt the University's or department's operations. Where the period(s) of leave is foreseeable, the employee may be required to temporarily transfer to an available alternative position or assume different job responsibilities during the period of intermittent leave or reduced schedule which better accommodates the known recurring period(s) of leave.

During intermittent leave or working a reduced schedule, employees must continue to follow all regular department/division policies regarding call-in procedures and requesting leave with their supervisor or the supervisor's designee. Employees must notify their supervisor or the supervisor's designee when the requested leave is for an approved FMLA event. Working outside of the employee's regular work schedule, including working through a lunch period, must have prior supervisor approval. Working from home must have prior approval from Human Resources and the employee's supervisor(s).

Pay During FMLA Leave

Although FMLA leave is unpaid, the University will apply all available paid leave or leave accruals to absences related to the FMLA qualifying event, beginning with the first day of absence for the qualifying event, to keep the employee in a pay status for as long as possible. See Section III regarding how paid leave is applied during FMLA leave.

I. Staff

For eligible classified non-exempt staff, professional/administrative exempt staff, and MERC staff, the University will generally first apply all available sick leave accruals followed by vacation leave accruals for absences related to an approved FMLA event.

II. Faculty

- A. For eligible non-administrative faculty who do not accrue sick leave, paid Parental or Medical Leave, inclusive of holidays, will be provided, based on the following:

1. Qualifying Events

- The birth of a child or placement of a child with the employee for adoption within the first year of the birth or placement

- For the employee's own qualifying serious health condition that makes the employee unable to perform the essential functions of their job

2. Amount of Paid Parental or Medical Leave

Years of Continuous Service at Mercer as of the Start of FMLA Leave Period	Amount of Paid Parental or Medical Leave
Less than 2 years	None
2+ through 5 years	up to 8 weeks
5+ through 10 years	up to 10 weeks
10+ years	up to 12 weeks

- B. For 12-month non-administrative faculty, the University will first apply all available vacation leave accruals for absences related to an approved FMLA event.
- C. No paid leave will be provided for other FMLA qualifying events whether leave is taken for a continuous period or on an intermittent basis.

III. Application of All Paid Leave and Holiday Pay

- A. The application of all paid leave, including faculty parental leave, faculty medical leave, vacation or sick leave accruals and most holiday pay, will run concurrently with FMLA leave and will not extend the FMLA leave period.
- B. All available paid leave must be exhausted before an employee will be moved to an unpaid status for the remainder of the approved FMLA leave period.
- C. The University counts the application of sick or vacation leave accruals only against regular workdays.
- D. During a continuous FMLA leave period, officially designated holidays occurring during the application of sick or vacation leave accruals will be considered as holiday pay (as outlined in the University's Holiday Policy) but will not extend the FMLA period.
- E. If a holiday falls during a week when an employee has worked and taken intermittent FMLA leave, the holiday will not count as FMLA leave.
- F. If an employee's work site is officially closed for one (1) week or more, either for a designated holiday period or other closure, and the employee is generally not expected to report for work, this period of time will not count against the

employee's FMLA leave entitlement.

No Work Permitted While on Leave

Employees approved for FMLA leave are not permitted to perform any University work responsibilities without prior approval from Human Resources and the employee's supervisor(s).

Maintenance of Employee Benefits

During FMLA leave, an employee's current coverage under the University's group health plan will be maintained under the same terms and conditions as before the start of FMLA leave. The employee must continue to pay any share of health plan premiums they would have paid, either by prepayment or at the same time payment would have been due. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's approved FMLA leave.

Return from FMLA Leave

While on FMLA leave, employees will be required to report periodically on their status and intent to return to work. Upon return from FMLA leave, most employees will be restored to their original position or to an equivalent position with equivalent pay, benefits, and other employment terms.

Where the leave was because of the employee's serious health condition, the employee will be required to present a return-to-work authorization from their healthcare provider indicating when they are able to resume work and the employee's ability to perform the essential functions of their position with or without reasonable accommodation. Failure to provide this authorization may delay the employee's return to work.

While on FMLA leave, if an employee gives unequivocal notice of their intent to not return to their position at the conclusion of the FMLA leave, their employment with the University will end at that time. If the FMLA leave has not yet started, then employment will end as of the last day worked prior to the planned start of FMLA leave.

Additional Information

In compliance with the law, the University will not interfere with, restrain, or deny the exercise of any right provided under the FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA. Any concerns regarding FMLA issues should be directed to the Associate Vice President for Human Resources. An employee may also file a complaint with the U.S. Department of Labor or may file a private lawsuit. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights. An employee who fraudulently obtains Family and Medical Leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions and may be subject to appropriate disciplinary action.

Additional Resources

1. Americans with Disabilities Policy: <https://policies.mercer.edu/americans-with-disabilities/>
2. Holidays Policy: <https://policies.mercer.edu/holidays/>
3. Personal Leave Policy: <https://policies.mercer.edu/personal-leave-vacation-and-sick-leave/>