

## 4. BENEFITS

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### 4.1 **INSURANCE BENEFITS**

A number of insurance-related benefits are available for UA System Office employees. Some of those benefits are health, dental, vision, flexible spending accounts, life insurance, accidental death & dismemberment, and long-term disability. This list of benefits should not be considered all-inclusive.

Benefits as well as others are explained during new employee orientation when the new employee is given an opportunity to ask questions and enroll in selected benefits. Up-to-date information about benefit programs is maintained on the UA System Office's [website](#). The initial enrollment period for benefits is the first thirty (30) days of employment at the UA System Office. If employees do not elect certain benefit coverage during the first thirty (30) days of employment they may not be allowed to enroll or elect coverage under the benefit until the next annual open enrollment period. Employees with a qualifying life or family status change have thirty (30) days to make any benefit changes. Life or family changes include but are not limited to a change in marriage, divorce, childbirth, adoption of a child, spouse's employment changes, moving into a position with a full-time equivalency (FTE) within the UA System Office, etc.

Regular part-time employees with a .5 FTE or greater have the option to enroll. Temporary full-time employees also have the option to enroll, but temporary employees who work less than full-time are ineligible to participate in this program.

Additional information regarding specific insurance can be found in the [Health and Wellness](#) section of the UA System's webpage.

### 4.2 **RETIREMENT PLANS**

All eligible employees are required by state law to participate in the State of Alabama Teachers' Retirement System (TRS) 401(a) retirement plan. This is a 401(a) defined benefit plan that provides retired employees with a specific benefit payable monthly for the lifetime of the member. Employees must pay a set monthly percentage of their salary into the TRS plan. In addition to the employee's monthly contribution, the UA System Office contributes an additional percentage which is determined by TRS and approved by the Alabama Legislature.

In addition to TRS, the UA System Office offers 403(b) and 457(b) retirement plans for all eligible employees. Participation in these plans is voluntary, in addition to an employee's TRS contributions, pre-tax, and may be done through payroll deductions. The UA System Office makes a matching contribution for all regular full-time exempt staff on employee contributions up to 5% of gross monthly pay into the 403(b) plan. Any contributions above 5% are not matched.

Eligible employees may also contribute to the System's 457(b) plan. Contributions to 457(b) plan may be made instead of, or in addition to, an employee's 403(b) contributions. An employee's 457(b) contributions are not matched by the UA System Office.

For additional details, please contact the UA System HR Department or visit the [Employee Benefits](#) page on our website.

### **4.3 EDUCATIONAL BENEFIT POLICY**

The UA System Office offers educational assistance to eligible employees and their eligible dependents who are enrolled at any of the UA System campuses. In accordance with usual academic rules, admission must first be obtained in order to receive educational benefits. Residency requirements for in-state tuition are established by the respective university.

Fees and other charges of any kind will not be reimbursable under this policy effective with fall 2019 enrollment. This includes, and is not limited to, the cost of housing, meal charges, or fees, e.g., course fees, college fees or charges associated with the auditing of a course. The calculation of assistance is based on a certain percentage of the tuition costs only.

#### **Benefit Cap**

Some UA System campuses may apply a dollar cap to educational assistance for employees and/or their dependents. If a UA System employee or their dependent(s) attends a university within the UA System that applies a dollar cap to their education benefit, the same dollar cap will be applied to the UA System benefit.

#### **Eligibility for Educational Benefits**

Upon employment, all regular (not temporary) part-time and full-time employees eligible to receive educational assistance if enrolled at any of the System campuses.

Spouses and dependents of eligible employees are eligible to receive educational assistance after the employee has been employed six (6) months.

All System Office retirees and their spouse and dependents maintain eligibility for assistance if they were eligible on the last day of the retiree's employment. Assistance for spouses and dependents will cease at the retiree's death.

Note: Eligible System Office retirees are those individuals who meet the (retirement) service and age requirements as defined by the Teachers' Retirement System of Alabama.

#### **Educational Benefit for Eligible Employees**

The educational assistance provides reimbursement to eligible full-time employees of an amount equal to 100% of the tuition costs for three (3) credit hours in the fall and spring semesters and six (6) credit hours in the summer terms at the standard on-campus, in-state graduate or undergraduate tuition rate. All other hours taken will result in reimbursement of an amount equal to 50% of the tuition costs at the standard on-campus, in-state undergraduate or graduate tuition rate. Higher tuition rates for special enrollment programs, such as but not limited to law school, medical school, or executive programs, do not entitle employees to amounts above the standard on-campus, in-state graduate tuition rate.

Eligible part-time employees will receive a prorated amount of educational assistance based upon their full-time equivalency (FTE).

The employee must be in an eligible employment status through the first day of classes to receive educational assistance for the fall semester, spring semester, or summer terms. If it is later determined that the employee was not eligible, any applicable educational assistance may be recalled. Employees

are responsible for notifying the HR Department of the UA System Office regarding any information that would affect eligibility for educational assistance.

If the employee terminates employment or becomes ineligible during the course of the term, any educational assistance in place at the time of termination will remain in effect for the remainder of that term only.

### **Educational Benefit for Spouses and Dependents of Eligible Employees**

After eligible employees have been employed six (6) continuous months, spouses and dependents may be reimbursed an amount equal to 50% of the tuition costs at the standard on-campus, in-state undergraduate or graduate tuition rate for eligible courses. Higher tuition rates for special enrollment programs, such as but not limited to law school, medical school, or executive programs do not entitle the eligible dependent to amounts above the standard on-campus, in-state graduate tuition rate.

The employee must be in an eligible employment status through the first day of classes for the spouse or dependent to receive educational assistance for the fall semester, spring semester or summer terms. If it is later determined that the employee was not eligible, any applicable educational assistance may be recalled. Employees are responsible for notifying the HR Department of the UA System Office regarding any information that would affect eligibility for educational assistance.

If the employee terminates employment with the System Office or an eligible dependent becomes ineligible during the course of the term, any educational assistance in place at the time of termination will remain in effect for the remainder of that term only.

For the purposes of this policy, a dependent child must either meet the definition of an IRS dependent or must be unmarried and under age 26 on the first day of classes.

Only one educational assistance occurrence per student will be awarded even if more than one family member is employed by the System Office.

Dependents of eligible part-time employees will receive a prorated amount of educational assistance based upon the employee's full-time equivalency (FTE).

For student financial aid purposes, the educational benefit may be considered a financial resource that must be deducted from estimated financial need in accordance with Federal regulations. Contact the campus's Student Financial Aid Office if additional information is needed.

### **Spousal/Dependent Child(ren) Verification**

Documentation to substantiate whether an individual is a spouse and/or dependent child of the employee is required. Such documentation includes tax returns, birth certificates, marriage certificates, etc. If the information provided has been intentionally falsified, the employee may forfeit the educational benefit, may be responsible for reimbursing the UA System Office for any amount paid in benefit, and will be subject to disciplinary action. The employee should notify UA System Office Human Resources immediately of any change in eligibility or tax status.

### **Procedures**

Eligible employees who wish to apply for educational assistance for themselves or for their eligible spouse/dependents should complete and submit an educational assistance application to the HR

Department of the UA System Office. Applications are available online on the UA System Office [website](#). Only one application per student is necessary for the academic year. The academic year begins with the fall semester and ends with the summer terms. To obtain reimbursement, receipts and a completed requisition form must be submitted to Payroll who will then process the reimbursement. For those educational benefits which are taxable, reimbursement will be processed through payroll as a separate check from the employee's regular payroll check.

**Class Attendance for Credit Courses during Working Hours**

In order for an employee to attend a class during working hours, prior approval by the appropriate supervisor must be given. Such approval is limited to three (3) work hours per week with the understanding that the time off does not interfere with the daily operation of the work unit. Time off to attend a class during working hours may be approved as annual leave or personal leave or the time off may be made up.

**Taxation of Benefits**

Tuition benefits can be taxable at the federal and/or state level depending on a number of factors. Please refer to the educational assistance application for up-to-date and detailed taxation information and consult your accountant for tax advice.

**4.4 COMPENSATION FOR ADDITIONAL DEGREES AND CERTIFICATIONS/LICENSURES POLICY**

The UA System Office encourages and rewards continuing education among its employees. Therefore, budget permitting, all regular staff who have been employed for six (6) months and have satisfactory job performance may be considered for a salary increase upon completion of additional job-related or job-enhancing degrees from regionally accredited colleges or universities and/or upon receiving select job-related or job-enhancing certifications and licensures. These certifications/licensures are frequently from government-recognized certifying or licensing organizations. Regular part-time staff should receive a prorated amount based upon their full-time equivalency (FTE). For example, an eligible part-time employee of 0.50 FTE may be eligible for an amount equal to 50% of the \$3000 for a Masters' degree.

**Procedures**

To be eligible for an increase, employees must complete the [Compensation for Additional Degrees and Certifications Request Form](#) and submit it to his/her supervisor or department head for approval prior to beginning a degree program. (Employees who have started and not yet completed a degree program prior to the implementation of this policy on July 1, 2019 will be considered grandfathered and should submit the request form as soon as possible.) For budget planning purposes, supervisors and department heads must then seek approval for the salary increase from the office of Finance and Administration. The approved form should be retained in the department. Once the degree/certification has been obtained, the employee should provide documentation of the degree/certification to Human Resources. Increases, to the extent permitted under the budget, will be effective the date of the completion of the degree, certification, or licensure.

<i>Degree</i>		<i>Certification/Licensure</i>	
Associate	\$1,000	Certification	\$1,000
Bachelor	\$2,000	Licensure	\$1,000

Masters/EDS/JDS	\$3,000
Doctorate	\$4,000

Regional accreditation ensures that an institution’s academic programs meet acceptable levels of quality. There are six regional accreditation bodies in the United States. Regional accreditation is considered the highest form of institutional accreditation and offers a broader level of approval. Regionally accredited colleges and universities are defined as postsecondary institutions that are fully accredited by the regional accrediting associations as identified by the Department of Education. The Database of Accredited Postsecondary Institutions and Programs can be found [here](#).

- Middle States Commission on Higher Education
- Higher Learning Commission
- New England Association of Schools and Colleges, Commission on Institutions of Higher Education
- Northwest Commission on Colleges and Universities
- Southern Association of Colleges and Schools, Commission on Colleges
- Western Association of Schools and Colleges

Nationally accredited institutions are not recognized for the purposes and application of this policy unless they are also regionally accredited by one of the agencies identified above.

The types of certifications and licensures that may be rewarded are typically those that are nationally recognized across a wide variety of industries and usually require continuing education to maintain the certification or licensure. Although it is not possible to list all the designations this may include, several examples are Certified Public Accountant, Professional Engineer and Professional Architect. Pay increases will be centrally funded for those employees who are paid from state funds. For employees who are paid from non-state funds, increases will be paid from their salary source(s).

All increases are subject to the availability of funds and the approval of the appropriate Director, Vice Chancellor, Chancellor, and/or Human Resources.

Note: This policy applies only to the attainment of the first degree/certification at each level. Example: If an individual earns multiple bachelor’s degrees, compensation may be considered for only one of the bachelor’s degrees. This applies to all categories listed above. In addition, if an employee is enrolled in a degree-seeking program and is granted a lower level degree in the process, maximum compensation will not be awarded for each degree individually. Example: If an individual is enrolled in a bachelor’s degree seeking program and, during the degree seeking process, the institution or individual determines that an associate’s degree could also be awarded based on credit hours, compensation will not be awarded for the associate’s degree, only for the degree being sought.

#### **4.5 LEAVE ADMINISTRATION**

UA System Office exempt employees must report leave no later than the 7<sup>th</sup> day of each month. For example, for leave taken in January, a leave report must be submitted by February 7. Supervisors of employees who fail to report their leave in a timely manner will be notified and are at liberty to take disciplinary action if necessary. Non-exempt employees report leave on each time sheet. Time sheets, leave reports, and leave request forms can be found on the [UA System website](#).

#### 4.5.1 **ANNUAL LEAVE**

Eligible employees will accrue annual leave time to be used for discretionary absences that are authorized by their supervisor or department heads prior to use of such leave. Use of annual leave is considered to be a privilege and not a right. Accrued annual leave may not be used before it is earned, and therefore may not be taken in the same period in which it is accrued.

Supervisors or department heads are responsible for scheduling and approving annual leave of their employees prior to actual absences. Employees must submit a request for annual leave in advance. In scheduling leave, however, the effective continuation of the normal work routine and operations will be the primary consideration. Department heads and supervisors will make the final determination regarding whether or not an employee's annual leave may be taken at the time requested by the employee. A recognized holiday that occurs during an employee's vacation will not be charged to annual leave time.

##### **Accrual of Annual Leave**

Eligible exempt employees may accrue a maximum of 22 workdays of reimbursable annual leave. Eligible non-exempt employees accrue annual leave in proportion to their length of service according to the table below. The most recent hire date for continuous unbroken service of less than 12 months in a benefits eligible position at the UA System Office will be used to calculate the length of service for annual leave accrual (see Reinstatement of Service Date Policy). With supervisor approval, annual leave may be taken at any time after the time has accrued. It is the responsibility of both the employee and the supervisor to accurately report all leave time taken by the employee.

Accrual of annual leave is based on paid time and is considered accrued and credited to the employee's annual leave balance in the pay period following the period in which the time was accrued. It is the responsibility of both the employee and the supervisor to accurately report all leave time taken by the employee.

##### **Leave Accrual for Full- Time Non-Exempt Employees**

Length of Continuous Service	Accrual Rate Per Bi-Weekly Pay Period
1 – 5 Years of Service	4.62 hours
6 – 10 Years of Service	5.23 hours
11 – 15 Years of Service	5.83 hours
16 or More Years of Service	6.77 hours

Eligible employees accrue annual leave based on their full-time equivalency (FTE). Eligible full-time exempt employees accrue annual leave at the rate of 1.833 days for each month worked, which equates to 22 days per year. Employees in this employment category must be employed by the 15th of the month to accrue the full amount of leave. If hired after the 15th of the month, the accrual will be prorated.

It is not the intent of the UAS Office that any existing employee accrue fewer days per pay period than previously accrued. Consequently, if on the date this handbook is implemented an employee's rate of accrual is higher than the rate of accrual listed above, the higher rate shall be used.

Note: During the month of termination, leave is prorated on the number of days worked.

Holidays or administrative leaves that occur during paid annual leave will be charged to holiday or administrative leave, not to annual leave. If normal UA System Office and/or coinciding campus operations are suspended for emergency purposes, such as inclement weather, during the time annual leave is being used, those days will also be charged to administrative leave.

#### **Unused Annual Leave**

Annual leave on record over the maximum of 44 workdays after the last paycheck for the fiscal year (October 1 - September 30) will be converted to sick leave. Employees who separate from service after six months of active employment with the UA System Office shall be paid for all accumulated and unused annual leave up to 44 days at the employees' current rate of pay.

#### **Transfer of Annual Leave**

Transfer of accrued annual leave from other institutions of the UA System (UA, UAB, and UAH) is accepted and will be added to the employee's accrued annual leave balance. The institution from which the employee transfers must certify and provide documentation for the transferred annual leave balance to the UA System Office. After transfer, the accrual rate of annual leave according to UA System Office policy will apply to the transferred employee. This does not apply where a break in service has occurred as part of the transfer.

### **4.5.2 SICK LEAVE**

Eligible employees who have sufficient accruals of sick leave will be paid for authorized absences resulting from sickness or injury. Eligible full-time exempt and non-exempt employees accrue sick leave at a rate of 1 day for each month worked. Eligible part-time employees accrue sick leave prorated on the basis of their FTE. Employees in these employment categories must be employed by the 15th of the month to accrue leave. If hired before the 15th of the month the accrual will be prorated if other than the 1st of the month. Note: During the month of termination, leave is prorated on the number of days worked. There is no maximum accrual of the number of days of sick leave that may be accumulated. Sick leave for TRS Tier 1 employees may be used as credit for retirement. Teachers' Retirement System guidelines and limitations will apply.

**Use of Sick Leave** - Sick leave is not an earned right, but a privilege, and should be taken only for reasons provided in this policy. Generally, eligible employees may use paid sick leave for personal (employee's) illness/injury, or to attend to the serious illness/injury of relatives who reside in the immediate household, or parents outside of the household, and to obtain health-related professional services that cannot be scheduled after regular working hours. Employees must report an absence for sick leave to their supervisor prior to the absence or at the earliest opportunity and provide an expected date of return. In addition, some departments may have more specific guidelines regarding sick leave. If this is the case, the departmental guidelines should be followed. Employees may be required to provide documentation for absences. The approving supervisor reserves the right to require an employee to reschedule an appointment based on business operations and necessity.

Holidays or administrative leaves that occur during paid sick leave will be charged to holiday or administrative leave, not to sick leave. If normal UA System Office and/or coinciding campus operations are suspended for emergency purposes, such as inclement weather, during the time sick leave is being used, those days will also be charged to administrative leave.

**Abuse of Sick Leave** – Outside of approved Family and Medical Leave, supervisors may require evidence of illness or injury in the form of a medical certificate or statement from a physician for all sick leave absences. Abuse of sick leave is grounds for disciplinary action. Supervisors should consult with the UA System Office HR Department if there is a concern of sick leave abuse.

**Unused Sick Leave Upon Separation from Service** – Non-exempt employees who leave the UA System Office after five (5) continuous years of sick leave accruing service are eligible to receive one-half pay of current rate of pay for each day (up to 120 days) of accrued and unused sick leave. Sick leave may be accrued beyond 120 days but will not be subject to payment upon termination. Payment may also be made at the death of the employee or upon retirement in the State Teachers' Retirement System. Payment to non-exempt employees of one-half pay for all eligible days of accrued, unused sick leave in a prior separation is considered full pay for those sick leave days. Non-exempt employees who leave UA System Office employment with less than five (5) continuous years of sick leave accruing service at the UA System Office will not be paid for accrued sick leave.

When a non-exempt employee transfers to a position of exempt status, all sick leave will be transferred and must be used or taken as retirement credit and will not be subject to payment upon separation. Exempt employees will not be paid for accrued sick leave upon separation. Exempt and non-exempt employees who separate from service with sick leave may transfer the leave to participating approved state agencies and institutions. Retiring employees may apply sick leave toward retirement service credit.

**Transfer of Sick Leave** - Transfer of accrued sick leave from other participating (Teachers' Retirement System) approved state institutions and agencies is accepted and will be added to the employee's accrued sick leave balance. The institution from which the employee transfers must certify and provide documentation for the transferred sick leave balance to the UA System Office. After transfer, the accrual rate of sick leave according to UA System Office policy will apply to the transferred employee. This does not apply where a break in service has occurred as part of the transfer.

#### **4.5.3 PERSONAL LEAVE**

Eligible full-time employees are credited five (5) personal days at the beginning of each fiscal year. Eligible part-time employees are credited on a prorated basis of their FTE. Eligible new hires are credited on a prorated basis of their hire date through the end of the fiscal year in which they are hired. Similar to annual leave, use of personal leave time is a privilege, not a right. With supervisor approval, personal leave may be taken at any time after the beginning of the fiscal year.

Personal leave on record at the time of separation from service is not compensable; any remaining personal leave at the end of each fiscal year is not transferable to the next fiscal year.

*\*See <http://uasystem.edu/administration/benefits/> for a Summary of UA System Office Leave and Holiday information detailed above.*

#### **4.5.4 BEREAVEMENT LEAVE**

Upon the death of close family members, regular part-time and regular full-time employees may be given up to three (3) workdays of paid bereavement leave per occurrence. Regular part-time employees may receive prorated pay based on their regularly scheduled work hours. Close family members are defined as spouse, children (including stepchildren, daughters-in-law and sons-in-law), parents (including stepparents, mothers-in-law, fathers-in-law and stepparents-in-law), brothers, sisters (including stepbrothers, stepsisters, brothers-in-law, and sisters-in-law), first cousins, aunts, uncles, grandparents, grandparents-in-law, grandchildren and any other individuals who permanently reside in the employee's home.

To request bereavement leave, employees should immediately notify their appropriate supervisor or department head.

#### **4.5.5 JURY DUTY**

The UA System Office will provide time off with pay from regularly scheduled work hours for the day or days an employee is required to serve on jury duty. This applies to regular full-time, regular part-time and temporary full-time employees. The juror is required to return to work the next work day after being dismissed from jury duty for all services or is released from service for a particular day by the court. In order to receive pay, proper documentation of time actually served must be provided. Employees should notify their supervisor or department head of impending jury duty as soon as they receive notice to serve. A copy of the notice must be provided.

Witness Summons – If employees are subpoenaed to serve as a witnesses in court and are called to the court during their regular work schedule, they will be paid for the time they are scheduled to work and are serving as a witness. This applies to regular full-time, regular part-time and temporary full-time employees. Employees should notify their supervisor or department head of impending jury duty as soon as they receive notice to serve. Proper documentation of time for court appearances must be provided. Employees who appear as witnesses on their own behalf, either as plaintiffs or defendants, are not eligible for paid leave. They may request annual leave or personal leave for this purpose.

#### **4.5.6 MILITARY LEAVE**

The UA System Office will comply with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Alabama laws pertaining to military leave. This policy supersedes any and all previous policies/practices of the UA System Office related to military leave rights and benefits.

As laws change, or as interpretations of the laws change, military leave benefits for employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, employees should consult with their supervisor and the UA System Office HR Department for current and complete details regarding their military leave rights.

### **Eligibility for Military Leave of Absence**

In accordance with USERRA and Alabama law (Ala. Code § § 31-2-13, 31-12-2), employees who perform service in the uniformed services (as defined by USERRA) are entitled to a military leave of absence from their UA System Office position, subject to the limitations and restrictions set forth in federal and state laws and UA System Office policy. Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity. If an employee is required to use annual leave, sick leave, personal leave or compensatory time as a result of being called to active service during the war on terrorism, that leave shall be restored.

### **Compensation for Military Leave**

Except as provided below, eligible UA System Office employees who perform service in the uniformed services (as those terms are defined by USERRA) will be placed on unpaid military leave status for all days that they are engaged in such military service. Affected employees are not required to use accrued leave in lieu of paid or unpaid military leave; however, they may elect to use accrued annual leave, personal leave or earned compensatory time at their discretion.

a) Compensation for 168 working hours per calendar year for federal military leave.

UA System Office employees eligible for Military Leave of Absence who are active members of the Alabama National Guard or of any other reserve component of the Armed Forces of the United States will receive, pursuant to Ala. Code § 31-2- 13, up to 168 hours of paid military leave per calendar year for performance of federal military duty. This military service includes drills, annual training, or military schools. Once the 168 hours of paid military leave is exhausted, an employee may use other leave available, such as annual leave, personal leave or earned comp time.

It is not necessary for employees who are still on military leave to return to work for the UA System Office in order to receive 168 hours of paid military leave for the calendar year subsequent to being placed on military leave.

b) Compensation for 168 working hours at any one time called to active service by the Governor.

In addition to the 168 hours per calendar year described in section a) above, if these particular employees are called into active service of the State of Alabama by the Governor (typically in times of natural disaster), they will receive, pursuant to Ala. Code § 31-2-13, an additional 168 hours of paid military leave at any one time while called by the Governor to duty in the active service of the state.

c) Salary differential for employees activated during war on terrorism.

If the military base pay of an employee called into active service for the war on terrorism is less than the salary the employee would have received from the UA System Office if the employee had not been called to active service, the employee may receive a salary differential that is equal to the difference between the lower active duty military base pay and the higher public salary. (Ala. Code § 31-12-5)

d) Merit increases for employees on military leave.

When an employee returns from military leave, the UA System Office will pay that employee at the rate the employee would have attained with reasonable certainty had the employee remained continuously employed during the period of service.

**Health Insurance Benefits**

The UA System Office will, at a minimum, maintain health benefits and other benefits for the first 30 days of military leave as if the employee was actively employed. Employees on military leave of absence will be entitled to participate in any rights and benefits not based on seniority that are available to employees on non-military leaves of absence.

Consequently, for the first 12 weeks of an approved unpaid military leave, upon request from the employee, the UA System Office will continue health benefits and other benefits as if the employee were actively employed. After the initial 12-week period, employees on military leave may continue their benefits for a period up to 18 months. The employee must pay his or her portion of any benefit(s) premiums in order to keep the benefits active. If the employee does not return to work at the end of the military leave, the employee may be required to reimburse the UA System Office for the cost of the benefit premiums paid by the UA System Office for maintaining applicable coverage.

An employee called into active service in any of the armed forces of the United States during the war on terrorism, which commenced in September 2001, and who receives a salary differential while serving on such active duty may elect to continue with individual or family coverage under the UA System Office's health insurance plan for the duration of the time the employee receives the salary differential. Premiums for family coverage shall be the amount in effect at the time for an active employee with family coverage.

**Credit for Time Spent on Military Leave**

Time spent on eligible military leave counts as time served on the job for any calculation, determination or other decision that is dependent upon length of employment.

**Pension Benefits**

Time spent on military leave (whether paid or unpaid) is not considered a break in employment for pension benefit purposes. Upon return to work from military leave, if applicable, the employee must request to purchase retirement credit in the Teachers' Retirement System and must pay whatever amount that employee would have contributed had there not been an absence.

The returning service member who is eligible for reinstatement under USERRA has up to three (3) times the length of military leave (up to a maximum of five years) to make the retirement contribution payments that would have made to establish retirement credit. USERRA does not permit double credit in two retirement systems for the same military leave.

Therefore, the employee is not entitled to purchase credit in TRS if the employee receives credit in any other public retirement system, except the federal social security system.

**Reemployment Rights**

USERRA places a 5-year limit (with some exceptions) on the cumulative length of time a

person may voluntarily serve in the military and remain eligible for reemployment rights. The USERRA reinstatement rights do not extend, however, to employees who are employed for brief, non-recurrent periods with no reasonable expectation that employment will continue indefinitely. Under certain circumstances, employees are eligible to be reinstated to their former position unless the circumstances have so changed as to make reemployment impossible or unreasonable. If on military leave for 90 days or less, eligible employees may be reinstated to their own position. If on military leave for over 90 days, eligible employees may be reinstated to their own position or to a similar position of like seniority, status or pay.

Upon return from military leave, employees must comply with the current provisions of the law in regards to notification of and time frame in which they must return to work. These limits are specified in 38 USC § 4312 and vary depending on the length of military service. Upon return, employees will be entitled to a “grace period” as determined by law, to assist the employee in reintegrating back into the job. Provided however, although an employee is generally protected from discharge during any applicable grace period, the employee may still be discharged for cause.

The UA System Office will work to accommodate any employee who is returning to work with a service connected disability suffered during that employee’s military service. The employee should notify the Department of Human Resources as soon as possible (prior to returning to work when possible) to begin the accommodation process. If the employee’s disability requires the employee to be transitioned into another position, the UA System Office will work to place the employee in a position most nearly approximating the prior role.

#### **4.5.7 LEAVE WITHOUT PAY**

Regular (non-temporary) employees who have at least six (6) months of continuous active service with the UA System Office may request a leave without pay provided such request is supported by a justifiable reason.

Leave without pay may be requested for a period *up to* 12 months, but is subject to the approval of the appropriate administrator. Approval of such leaves is discretionary and depends largely upon the circumstances, specialization or critical nature of the employee’s position, departmental needs, as well as the practicality of possibly replacing the employee for a temporary period.

Leave without pay may be considered for prolonged illness or injury after an employee has exhausted his/her Family Medical Leave, for education or professional development which will lead to increased job ability, for exceptional personal reasons, or for other reasons that reflect positively upon the UA System Office, and enhance an individual’s ability to make subsequent contributions to the organization.

#### **4.6 FAMILY MEDICAL LEAVE (FMLA)**

The Family and Medical Leave Act of 1993 applies to all eligible employees of the UA System Office. Eligible employees may take up to 12 work weeks of unpaid, job-protected leave under the Family and Medical Leave Act (FMLA) in a rolling 12-month period for medical and family-related reasons. In addition, eligible employees may qualify for up to 26 work weeks of unpaid, job-protected leave to care for seriously ill or injured covered service members.

Upon return from FML, an employee will generally be returned to the position held when the leave began, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. If it appears that an employee will be unable to return to work at the conclusion of a leave, they should contact the UA System Office to determine what other benefits and/or leave options may be available to them. Approval of other types of leave is subject to the appropriate supervisor.

An employee who has not been approved for any other type of leave or sought a reasonable accommodation to extend the leave and who fails to return to work after an FML leave may be treated as having voluntarily resigned.

### **Eligibility for Family and Medical Leave**

To be eligible for FML, an employee must have:

1. Worked for the UA System Office at least 12 months and
2. Worked at least 1,250 hours during the previous 12 months.  
Only periods of actual worked time count toward the determination of whether the employee has worked 1,250 hours during the preceding 12 months. Periods of paid or unpaid leave, holidays, etc. are not counted as worked time and for the purpose of this policy are excluded.

### **Qualified Reasons for Leave**

1. Birth and care of a newborn child of the employee
2. Placement with the employee of a child for adoption or foster care, or who is otherwise assuming responsibility of a child "*in loco parentis*"
3. To care for immediate family members (spouse, child, or parent) with a serious health condition
4. Employee serious health condition
5. Qualifying exigencies that arise out of the fact that the employee's spouse, child or parent is a member of the U.S. Armed Forces deployed to a foreign country, is a member of the National Guard or Reserves, on covered active duty, or has been notified of an impending call or order to active duty in support of a contingency operation in a foreign country. Qualifying exigencies include the following:
  - Short-notice deployment (7 calendar day maximum)
  - Military events and related activities
  - Child care and school activities of the service member's child
  - Financial and legal arrangements for the service member
  - Counseling
  - Rest and recuperation of the service member (15 days for each instance)
  - Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events and other official ceremonies or programs sponsored by the military, for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member
  - Parental care for a military member's parent who is incapable of self care when the care is necessitated by the member's covered active duty
  - Additional activities that the employer and employee shall agree qualify as an exigency and agree to both the timing and duration of such leave
6. To care for a U.S. service member or veteran with a serious injury or illness incurred or aggravated in the line of duty while on active military duty if the employee is the spouse, child, parent or next of

kin of the service member or veteran. This type of Family and Medical Leave is referred to as “military caregiver leave” and leave entitlement is up to 26 work weeks in a single 12-month period.

### **Duration of Leave**

Eligible employees may receive up to 12 work weeks of unpaid leave during any “rolling” 12-month period, measured backward from the date that any FML is to be used. FML for the birth or placement of a child with the employee expires 12 months from the birth or placement of the child.

When leave is to care for a service member or veteran with a serious injury or illness, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for that service member or veteran. Military caregiver leave, when combined with other FML qualifying leaves, may not exceed 26 weeks in a single 12-month period during which the 26 weeks of military caregiver leave is available. A single 12-month period for purposes of military caregiver leave begins on the first day that an employee takes military caregiver leave and ends 12 months after that date, regardless of the rolling 12-month period that the UA System Office utilizes for determining available leave for other FML qualifying reasons.

### **Spouse Coverage**

In cases of childbirth, adoption, foster care placement or care of a child, if the employee and the employee’s spouse both work for the UA System Office, the total amount of annual family and medical leave available is 12 work weeks for each employee and does not have to be taken at the same time.

The same guidelines apply in cases of military caregiver leave; both employees may individually use FML to a maximum of 26 work weeks during a single 12-month period.

### **Use of Accrued Benefit Time**

Employees will be required to use any accrued sick or annual leave at the onset of leave in accordance with established policy. Employees are not required to use personal leave concurrently with approved FML.

### **Intermittent Leave**

An employee who takes FML for his/her own serious health condition or to care for a seriously ill spouse, child, or a parent may take leave on an intermittent basis or may use FML to reduce his/her scheduled work hours. The employee must provide certification from the healthcare provider caring for the employee and/or family member and document the need for such leave.

Intermittent leave is limited to the equivalent of 12 weeks’ of work time. The total number of hours of intermittent leave available to an employee is equal to 12 times the number of hours per week the employee is normally scheduled to work, less any other FML taken in the same rolling 12 month period.

While an employee is on intermittent leave, the UA System Office reserves the right to transfer the employee to an alternative position which better accommodates recurring leave and which has equivalent pay and benefits.

### **Required Notice to Take FML**

If the need for FML is foreseeable, the employee should provide written notice to the supervisor at least 30 days in advance. If proper prior notice is not given when the need for FML is foreseeable, leave may be denied unless there is a reasonable reason for the delay. Failure to comply with the notice

requirement may result in a delay or denial of the leave. If the need for FML is not foreseeable, notice must be given by the employee as soon as possible and practical. Except in cases of extreme emergencies, employees are expected to advise their supervisor as soon as they know of the need for the leave.

An employee's notice of a need/request for FML should be submitted in writing. Although an employee's initial request for FML does not have to specifically state he/she is requesting FML, the employee must provide enough information for the employer to know that the leave may be eligible for FML. For foreseeable leave, the employee must indicate when and how much leave is needed. Subsequent to an initial period of FML, if additional leave is needed for the same reason, the employee may be required to reference that reason or the FML.

### **Scheduling**

If the leave is for the planned medical treatment of the employee or a family member, or requires intermittent or reduced schedule leave, employees may be required by their supervisor to arrange a particular schedule or to reschedule appointments or treatments, subject to the agreement and availability of the healthcare provider.

### **Certification by Healthcare Provider**

Medical certification will be required from a healthcare provider in all cases involving either FML to care for a seriously ill spouse, child, or parent, or leave due to an employee's serious health condition. The medical facts must be sufficient to support the need for the leave. At a minimum, the certification should include the underlying medical facts supporting the need for the leave, the plan of treatment and the prognosis of the illness or injury, any regimen of continuing treatment and an estimate of the frequency and/or duration of the leave. This certification must be provided within 15 calendar days of the request from the UA System Office. The UA System Office reserves the right to contact the healthcare provider for clarification.

Employees who take leave for a serious health condition will be required to obtain a medical release from their healthcare provider prior to returning to work.

### **Confidentiality**

The UA System Office will keep all information related to requests for FML confidential. This information will be disclosed only to those with a need to know and will be used only to make decisions in regard to the provisions of this policy.

### **Benefits**

While an employee is on FML, benefits will be maintained as if the employee were actively employed. As long as the employee is in a paid status, premiums for insurance will be deducted as usual from the employee's paycheck. If the employee ceases to be in a paid status, the employee will be responsible for paying the normal benefit premiums (i.e., employee cost).

Note: For service member leave, the UA System Office will maintain its contribution toward medical coverage for up to 26 weeks at the same level as if the employee were actively at work. If the employee fails to return to work after an approved Family Medical Leave, the UA System Office may recover premium payments for health insurance coverage paid during the FML period.

**Procedure**

Eligible employees who are unable to come into work for three (3) or more consecutive work days due to illness or injury of themselves or a qualifying family member should apply for FML by completing an FML Request Form. Forms may be obtained from the UA System Office [website](#) or by contacting the HR Department.

It is the responsibility of an employee on FML to regularly communicate to his/her appropriate supervisor regarding their leave status and their intent to return to work. At a minimum, employees should report to their supervisor every 30 days while on leave. An employee who is released to return to work earlier than expected should provide at least three (3) working days advance notice to the supervisor prior to returning to work. Employees on approved intermittent FMLA will turn in an intermittent leave record to their supervisor each pay period whether FMLA hours are used or not and are expected to follow departmental call-in procedures for all unscheduled absences.