

**Extended Medical Leave Policy**

Eastern Kentucky University provides extended medical leave, beyond Family and Medical Leave under certain conditions. The extended leave is unpaid if the employee has no accrued sick or vacation time available.

**Definition:** Extended medical leave is approved time away from the job due to an employee's serious health condition, which exceeds the twelve weeks provided under the provisions of Family and Medical Leave (FMLA).

**Eligibility:** To be eligible for the extended medical leave the employee must first be eligible for Family and Medical Leave which requires that the:

- Employee has worked for EKU for at least one year
- Employee has worked at least 1,250 hours over the one-year period prior to the date the leave starts.
- Employee has exhausted the twelve weeks of Family and Medical Leave.
- Extended medical leave is applicable only for the serious health condition of the employee.

**Leave Available:** The maximum allowable time period for extended medical leave (*leave beyond the 12 week FMLA leave*) is computed in the following manner:

- One additional week of extended medical leave for each year of continuous service with Eastern Kentucky University in excess of twelve years, plus
- Any additional period covered by accrued sick or vacation time.
- The combination of FMLA and extended medical leave is not to exceed the longer of 6 months away from the job or the exhaustion of accrued sick time. Employees are required to utilize available vacation and sick for each workday missed while on FMLA and/or extended medical leave.

**Note:** Under the provision of the FMLA and this extended leave policy certain "key" employees may be denied reinstatement. The "key employees" must be among the 10 percent highest-paid employees and whose job restoration would cause substantial and grievous economic injury to the University. Leave and the benefits of leave are available to these employees.

**Continue benefits while on extended leave:**

- Employees on extended medical leave will continue the benefits of employment in the same manner as when on the initial FMLA to include:
  1. Retains University paid coverage under the University's provided group insurance plans which include:

- Single (Employee only) health insurance
  - Basic Life Insurance
  - Basic Long Term Disability Insurance
  - Voluntary products must be paid to the carrier
2. Paid holidays that fall during the period of the extended leave.
  3. Will be returned to their former or equivalent position when released by his/her/ medical provider.
  4. Persons on approved extended leave that wish to maintain their dependent health and/or other supplemental benefits must make arrangement in the Human Resources office.
  5. No vacation or sick leaves are earned while on leave without pay.

**Procedure:**

- Employee must make a written request for extended medical leave to Human Resources as soon as they determine the need but no later than two weeks before end of their FMLA leave.
- Extended medical leave approval will be based upon a medical certification supporting the need for leave due to a serious health condition affecting the employee.
- Periodic status reports regarding the employee's condition and intent to return to work will be required by Human Resources.

**Return to Work:** Employees must submit a written "release" to return to work from their medical provider as soon as the return date is known.

**Unable to Return to Work:** The following options/ benefits will be provided to employees who are unable to return to work at the end of their extended medical leave.

- Continued coverage for the basic benefits (single health, life, and LTD) through the 1<sup>st</sup> or 15<sup>th</sup> of the month. If the leave ends between the 1<sup>st</sup> and 15<sup>th</sup> of the month coverage will end on the 15<sup>th</sup>. If the leave ends between the 16<sup>th</sup> and the end of the month, coverage will end on the 1<sup>st</sup> of the month.
- Employees and their covered dependents will have the option to extend their health insurance coverage through COBRA, and will be notified of their choices and premium rates by Human Resources in accordance with COBRA regulations.
- Employment will be terminated for employees unable to return to work at the latter of the end of the extended leave or the exhaustion of accrued sick and vacation leave.

**NOTE:** The FMLA gatekeeper (human resources) may approve an extension of the leave periods described above if:

*The prognosis, as certified by the healthcare provider, is that the employee's return to work is imminent and that he/she will be available in less time than would be required to recruit and employ a replacement.*

**Leave for employees with less than one year of service:** Employees with less than one year of service are not eligible for FMLA and other extended medical leave benefits. However, certain limited medical leave benefits are available as provided below to these employees during this period.

- Extended medical leave benefits are not available for employees who have not completed his/her three-month orientation period.
- Employees who have completed the initial orientation period may be considered for up to two weeks medical leave if approved by the supervisor and coordinated with Human Resources. The medical leave may be granted for the employee's serious health condition. Accrued sick and vacation time must be utilized concurrently with the medical leave. Paid benefits will be extended through the end of the pay period in which the leave ends. The two-week period may be extended if the "return to work" date is shorter than the time required to recruit a replacement.
- Access to the sick leave bank for employees with less than a year of service is determined by the policies and procedures of the sick bank committee.

**Reemployment:** Employees whose employment is terminated due to exhaustion of their extended medical leave will be eligible for reemployment if they are able to return to work within one year of the termination date. To be considered for re-employment the individual must make application for a posted vacant position for which he or she is qualified. The individuals will be considered for open positions along with all other applicants. There is no guarantee of reemployment. Reemployment provides the following benefits:

- Retains the prior work credit for determining accrual of vacation and service recognition that had been accrued at the time of termination.
- Preferential hiring for open positions for which the employee makes application and meets job qualifications. Preferential hiring would place the employee ahead of other applicants, if fully qualified, for consideration. Hiring managers would be expected to re-employ these fully qualified applicants.
- Reemployment would be allowed into any position for which the former employee applies and is qualified. Salary into lower, or higher, positions than the one vacated at termination would be determined based upon the qualifications that the former employee and according to other compensation guidelines. Reemployment into the position vacated at termination will be at the rate of pay at the date of termination, unless salary grade adjustments would place the employee below new grade minimum, in which case the employee would be paid at grade minimum.