FMLA Terms and Definitions

**Eligible Employee:** An eligible employee is defined as any employee (including part-time and temporary) of the University System of Georgia, who has been employed by the University System of Georgia for at least twelve (12) months total (not necessarily the last twelve (12) months), and worked at least 1,250 hours during the twelve (12) month period immediately preceding the leave.

**Family Leave:** Leave as defined by the Family and Medical Leave Act that allows the employees excused absences from their workplace due to: the birth or legal adoption of a child, the employee’s own serious health condition, the serious health condition of a member of the employee’s immediate family, leave due to a call to active duty or caregiver leave to care for a family member in the armed services who is recovering from an injury.

**Immediate Family:** Child, Spouse or Parent, but not in-laws.

- **Spouse:**
  - The employee’s legal husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.
- **Parent:**
  - A biological parent of the employee.
  - An individual who stands or stood “in loco parentis” to an employee by providing primary day-to-day care and financial support when the employee was a child.
  - Coverage *does not* include parents-in-law.
- **Child:**
  - The employee’s biological son or daughter under the age of 18.
  - A legally adopted son or daughter under the age of 18.
  - A foster child, stepchild or ward under the age of 18, legally placed with the employee.
  - Any such child over the age of 18 if the child is incapable of self-care due to a mental or physical disability.
    - “Incapable of self-care” means requiring active assistance or supervision to provide daily self-care in three or more basic or instrumental “activities of daily living,” such as grooming & hygiene, bathing, dressing, eating, cooking, taking public transportation, etc.
    - A “mental or physical disability” is one that substantially limits one or more major life functions as defined under the Americans with Disabilities Act (ADA).

**Continuous & Intermittent leave:**

Leave for one’s own serious health condition, or for the care of a family member with a serious health condition, may be taken on a continuous basis - or on an intermittent basis in increments
as small as one hour - if medically indicated. Institutions have the discretion to determine whether to allow intermittent leaves for birth, adoption, or foster placement - or whether such leaves must be continuous.

**Intermittent leave or reduced work schedule**

- There must be a medical need for leave which can be best accommodated through an intermittent or reduced work schedule.
- An employee must attempt to schedule leave or reduced work so as not to disrupt the employer’s operations.
- The employer may assign the employee to an alternative position with equivalent pay and benefits that better accommodates the employee’s intermittent leave or reduced work schedule.
- Intermittent leave may include leave periods of an hour or more, up to several weeks.
- Only the amount of leave actually taken is counted toward the 12 weeks of eligibility.

For example:

- An employee who normally works 5 days per week and takes off 1 day per week as intermittent FMLA leave is charged 1/5 of a week of FMLA leave
- An employee who normally works 8-hour days, but who works half-days under a FMLA reduced work schedule would be charged 1/2 week of FMLA leave.

**Rolling 12-month calendar**

- The retrospective 12-month period as measured backward from the date the employee began using FMLA leave.
- To determine if an employee is eligible for FMLA leave during any given work week on a “rolling year” basis, one looks back over the 12 months immediately preceding that week. If the employee has not utilized the equivalent of 12 weeks of FMLA-qualifying leave in the 12 months prior to the date in question, then the employee is eligible for that week of leave (assuming all other eligibility criteria are met). In utilizing a rolling year, this analysis may be conducted each week to determine continued eligibility.
  *The fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. If, however, the institution’s business operations have ceased, and employees are generally not expected to report for work for one or more weeks (e.g., during the winter holiday break), those days do not count against the employee’s FMLA entitlement.*

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