



## Family and Medical Leave Act (FMLA) Policy

**Policy Section: Employment**

**Policy Number: 2.64**

**Effective Date: 02/13/2026**

### 1. Policy Statement

The purpose of this policy is to outline the rights and responsibilities of Arkansas State University System (ASU System) employees under the federal Family and Medical Leave Act (FMLA) of 1993. The ASU System complies fully with FMLA regulations and provides job-protected unpaid leave for qualifying employees. This policy applies to all eligible employees of the ASU System and its campuses.

This policy applies to all employees of the Arkansas State University System, including full-time, part-time, and temporary employees across all campuses and institutions governed by the ASU System.

The ASU System shall grant up to 12 weeks (or 26 weeks for military caregiver leave) of unpaid, job-protected leave to eligible employees in accordance with the FMLA. The leave may be taken for qualifying family and medical reasons and will include continuation of group health benefits under the same terms and conditions as if the employee had not taken leave. Employees in a leave-without-pay status are responsible for employee and employer share of health benefit premiums.

The ASU System does **not** participate in Arkansas Act 770 (Paid Maternity Leave for State Employees) and **does not provide paid leave beyond what is permitted or accrued under ASU System policies and federal law.**

### 2. Definitions

For the purposes of this policy, the following terms have the following meanings:

- **Family and Medical Leave Act (FMLA):** A federal law that allows eligible employees to take up to 12 weeks of unpaid leave in a 12-month period for specified family and medical reasons, with job protection and continued group health benefits.
- **Eligible Employee:** An employee who has worked for an ASU System institution for at least 12 months and has worked at least 1,250 hours during the preceding 12-month period. The employee must also be employed at a worksite with 50 or more employees within a 75-mile radius.
- **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care, or continuing treatment by a healthcare provider, as defined under FMLA regulations.
- **Covered Servicemember:** A member of the Armed Forces, including a veteran, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, or is otherwise on the temporary disability retired list due to a serious injury or illness.
- **Military Caregiver Leave:** Leave available to an eligible employee to care for a covered servicemember with a serious injury or illness incurred in the line of duty, which may extend up to 26 weeks of unpaid leave in a single 12-month period.
- **Exigency Leave:** Leave available for an employee who needs to address certain urgent or exigent circumstances arising from a family member's active military duty or call-to-active-duty status.
- **Intermittent Leave:** Leave taken in separate blocks of time due to a single qualifying reason, rather than to a continuous period of leave.
- **Job Restoration:** The right of an employee returning from FMLA leave to be restored to his or her original position, or an equivalent position, with equivalent pay, benefits, and working conditions.
- **Paid Leave:** Leave for which an employee is compensated, such as sick leave, annual leave, or compensatory leave.
- **Unpaid Leave:** Leave for which an employee does not receive compensation but is granted job protection and continuation of benefits under the terms of the FMLA.
- **Health Care Provider:** A doctor of medicine or a doctor of osteopathic medicine, a podiatrist, dentist, clinical psychologist, optometrist, chiropractor (in limited circumstances), nurse practitioner, nurse-midwife, clinical social worker, or other provider, as defined by the FMLA regulations.

### 3. Policy Details Outline

#### Eligibility Requirements

To be eligible for FMLA leave, the employee must:

- Have been employed by an ASU System institution for at least 12 months (not necessarily consecutive), and
- Have worked at least 1,250 hours during the 12 months immediately preceding the start of leave.

## **Leave Entitlement**

Eligible employees are entitled to:

- Up to 12 workweeks of unpaid leave in a rolling 12-month period for qualifying events (see Section 7).
- Up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness.

The ASU System uses a **“rolling forward” 12-month period** measured from the date the employee first uses FMLA leave. Using this measurement, an employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period begins the first time FMLA leave is taken after completion of any previous 12-month period.

## **Qualifying Reasons for Leave**

FMLA leave may be used for the following qualifying reasons:

- Birth of a child, or placement of a child for adoption or foster care;
- To care for a spouse, child, or parent with a serious health condition;
- The employee’s own serious health condition that makes them unable to perform essential job functions;
- Qualifying exigencies related to a family member’s active military duty or call to covered active-duty status;
- To care for a covered service member with a serious injury or illness (military caregiver leave).

## **Use of Paid Leave**

Employees must use accrued, paid leave (e.g., sick leave, compensatory leave, annual leave, or catastrophic leave, if approved) concurrently with FMLA leave when applicable, except for Maternity Leave. FMLA leave will run concurrently with any paid leave used for qualifying purposes.

## **4. Notice Requirements**

- Employees must provide 30 days' advance notice when the need for leave is foreseeable.
- When 30 days' notice is not possible, employees must provide notice as soon as practicable, typically within one to two business days of becoming aware of the need for leave.
- A Medical Certification from a health care provider must be submitted to the campus Human Resources Office within 15 calendar days of the leave request.

## **5. Job Protection and Benefits Continuation**

- Employees returning from approved FMLA leave will be restored to their original position or an equivalent position with equivalent pay, benefits, and working conditions.
- During FMLA leave, group health benefit coverage will continue under the same terms as if the employee were actively working. However, for any month in which the employee remains in Unpaid Leave status for the entire month, the employee is responsible for paying 100% of all health benefit and insurance premiums (including the employer's share, in addition to the employee's share).
- Failure to return to work upon expiration of approved FMLA leave may result in termination, in accordance with ASU System policies.

## **6. Administration**

The Human Resources Office at each ASU System institution is responsible for administering FMLA requests. Employees should initiate FMLA leave through their local HR office.

## **7. Compliance with Arkansas Law**

Although Arkansas Act 770 provides paid maternity leave for certain state employees, the Arkansas State University System does not participate in Act 770 and does not provide additional paid maternity leave beyond what is allowed under federal law and existing ASU System leave policies.

## **8. Additional Information**

Questions regarding this policy or FMLA eligibility and documentation should be directed to the employee's respective Human Resources department.

## **9. Related Documents**

[U.S. Department of Labor FMLA Fact Sheet](#)

[US Department of Labor FMLA Fact Sheet for Military Family Members](#)

[Family and Medical Leave Qualifying Exigency Leave](#)

[ASU System Staff Handbook](#)

[ASU System Leave Policies](#)

***(Adopted by the Arkansas State University System Board of Trustees on February 13, 2026, Resolution 26-03)***