

FAMILY AND MEDICAL LEAVE QUICK REFERENCE SHEET

EMPLOYEE RESPONSIBILITIES

- Notify HR and supervisor of the need for leave.
- If the event is unforeseeable and is out for more than three days notify the Benefits Team and supervisor immediately.
- Complete required documentation such as application and supporting medical documentation.
- Discuss benefits (including other leave options), including insurance implications, if needed.
- Maintain periodic but ongoing communications with the supervisor and Benefits Team of progress and intent to return to work, if applicable.
- Notify the Benefits Team of any changes in circumstances for which leave is being taken
- Provide physician's re-certification for every 30 days of leave, if applicable.
- Provide the Benefits Team with a doctor's release to return to work before reporting to work, applicable if the leave taken was for the employee's serious health condition.

EMPLOYER RESPONSIBILITIES

- If the employee fails to notify the Benefits of the leave, the supervisor notifies the Benefits Team that the employee is out sick for more than three days.
- The Benefits Team certifies the employee's eligibility for FMLA leave.
- The Benefits Team sends the employee a written response to the leave request detailing the eligibility for leave, expectations, and obligations of the employee and also sends a notification to the supervisor.
- The Benefits Team approves/denies FMLA leave by state and federal regulations.
- The Benefits Team notifies the supervisor of all approved FMLA leave and prepares a Personnel Action Request to place the employee on paid or unpaid leave.
- Supervisor ensures leave is reported correctly in TRAM.
- Supervisor ensures out-of-office is set up for their employee

THE FIVE STEPS OF FAMILY AND MEDICAL LEAVE (FMLA)

Step I Notification of a need for FMLA leave:

- ⇒ The employee advises the employer of the need for FMLA leave
- ⇒ The employer determines if the employee meets eligibility requirements.

Step II Obtaining the necessary documentation:

- ⇒ The employer sends the employee a written notice of their right to FMLA leave.
- ⇒ The notice advises the employee if paid leave will be substituted for unpaid FMLA leave, advises that medical certification is needed to support leave request and provides other conditions of the leave.
- ⇒ The employee provides the medical certification from their physician.

Step III Approving FMLA leave:

- ⇒ The Benefits Team reviews supporting documents approves or disapproves the leave request, and completes the *Employer Section* of the FMLA leave request form.
- ⇒ The Benefits Team advises the supervisor of approved FMLA leave.

- ⇒ A notice of the approved or disapproved leave is provided to the employee by the Benefits Team.
- ⇒ The Benefits Team initiates an ePAR to place the employee on leave.

Step IV Coordinating the benefits during FMLA leave:

- ⇒ The Benefits Team reviews the employee’s benefits and notifies the employee of other leave options and insurance premiums.
- ⇒ The Benefits Team advises the employee of any additional documents related to the FMLA leave that are needed.
- ⇒ The Benefits Team advises ERS of any changes in the employee’s status that affect group insurance premium payments.
- ⇒ The Benefits Team will assist the employee in applying for other types of leaves such as short-term disability, long-term disability, direct sick leave donation, and sick leave pool.
- ⇒ In the event the employee is approved for the sick leave pool or direct sick leave, the Benefits Team will notify the supervisor of additional sick leave granted to the employee.

Step V Return to work:

- ⇒ The employee must provide a doctor’s release to return to work if the leave was for the employee’s health condition.
- ⇒ The department must return the employee to the same job or a comparable job with the same pay and benefits.
- ⇒ The Benefits Team must initiate an ePAR to return the employee to active status.
- ⇒ The employee must contact the Benefits Team to make changes or update the group insurance.
- ⇒ Any remaining sick leave pool hours granted during FMLA leave must be transferred from the employee’s balance back to the pool.

EMPLOYEE RIGHTS AND BENEFITS

- Up to 12 weeks (26 for military caregivers) of UNPAID FMLA leave in a 12-month period. Employees must use appropriate leave to continue receiving pay.
- Group insurance continuation.
- Employer contribution toward the cost of medical insurance.
- Restoration to the same or an equivalent job upon return to work.
- Retention of accrued benefits.
- Protection from discrimination as a result of taking FMLA leave.

REASONS FOR FMLA LEAVE

- ◆ Birth of an employee’s child.
- ◆ Placement of a child with the employee for adoption or foster care.
- ◆ To care for a spouse, parent, or child with a serious health condition.
- ◆ A serious health condition of the employee.
- ◆ Military Family Leave
 - in support of a contingency operation to address certain qualifying exigencies,
 - to care for a covered service member with a serious injury or illness incurred in the line of duty including veteran injured during the five years preceding the date of treatment.

BIRTH OR PLACEMENT OF A CHILD CONSIDERATIONS

- ◆ If the employee does not qualify for FMLA, the employee may apply for Parental leave to have the same job and benefit protections as FMLA.
- ◆ The employee may take their 12 weeks of FMLA within the first year of birth or placement of the child, it does not need to be taken after birth or placement of a child.
- ◆ The Certification of Health Care Provider is not required to take FMLA for birth or placement of the child, however, other documentation is required.
- ◆ Sick leave can be used for the entire 12 weeks of FMLA/Parental leave for bonding.

For additional information please contact the Office of Human Resources at (713) 221-8443 or benefits@uhd.edu