Frequently Asked Questions Regarding the Family and Medical Leave Act

The following are frequently asked questions (and their answers) that should help you to better understand your rights and responsibilities under the Family and Medical Leave Act (FMLA):

Q. **What is FLMA?**
The Family and Medical Leave Act (FMLA), a law that was passed in 1993, allows you to balance your work and family life by taking reasonable unpaid leave for certain family and medical reasons. Under FMLA you are entitled to unpaid leave and the maintenance of your health benefits during the leave. You may use your FMLA entitlement during a parental leave, a medical leave for a family member with a serious illness or injury, or medical leave during your own serious illness or injury.

Q. **Who is eligible for FMLA leave?**
All employees are eligible to take FMLA leave if they have worked for the university for at least 12 months, and have worked at least 1,250 hours during the previous 12 months.

Q. **For what reasons am I entitled to FMLA?**
You are entitled to a total of 12 workweeks of unpaid leave per fiscal year (July 1 – June 30) for one or more of the following reasons:
- to care for your child after birth, or placement for adoption or foster care
- to care for your spouse, son or daughter, or parent who has a serious health condition (does not include in-laws or siblings)
- for a serious health condition that makes you unable to perform your job

Q. **Does the law guarantee paid time off?**
No. The FMLA only requires unpaid leave. However, the law does allow you to elect to use accrued paid leave, such as compensatory, vacation, or sick leave, for some or all of the FMLA leave period.

Q. **Does workers’ compensation leave count against my FMLA leave entitlement?**
Yes. FMLA leave and time off work due to workers’ compensation can run together, provided the reason for the absence is due to a qualifying serious illness or injury.

Q. **Can leave taken due to pregnancy complications, parental leave (maternity leave) count against my 12 weeks for FMLA leave for the birth and care of my child?**
Yes. You are entitled to a total of 12 weeks of FMLA leave in a fiscal year (July – June). If you have to use some of that leave for another reason, including a difficult pregnancy, it may be counted as part of the 12-week FMLA leave entitlement.

Q. **May I take FMLA leave for visits to a therapist, or for chemotherapy or dialysis if my doctor prescribes the treatment?**
Yes. Under FMLA you may take leave intermittently to receive “continuing treatment by a health care provider,” which can include recurring absences for treatments ordered by a doctor.

Q. **How much time can I take for a medical leave?**
A medical leave is granted based on the duration of the medical condition as stated on the Certification of Healthcare Provider form that your physician (or your family member’s physician) must complete. The maximum amount of medical leave that you may request at one time is 12 weeks. You may be granted a medical leave of absence for a period not to exceed 12 calendar months, provided the University deems such leave be justified and not detrimental to the operations of the organization.
Q. How much time can I take for a parental leave?
You may be granted a parental leave of absence, not to exceed six months, when you become a biological parent or a child is placed in your home pending adoption. The period of parental leave shall begin no more than two weeks before the expected date of your child’s arrival, and not later than twelve months after the arrival of your child.

Please note the following:
Sick Leave may only be used while you or your spouse are under the care of a physician. Nine month employees may only use leave with pay during periods covered by a valid employment agreement.

Q. How does FMLA work with a medical or parental leave of absence?
If you are eligible for FMLA and have an approved medical or parental leave, the first 12 weeks of the leave will count toward the employees FMLA entitlement.

Q. How are my insurance benefits affected when I am on medical or parental leave?
When you are on a medical leave with pay your premiums will continue to be payroll deducted. If you are on leave without pay you must make arrangements with Human Resources to pay your insurance premiums monthly. While you are on medical or parental leave, the university will continue to pay the employer’s contribution for six months.

Q. When must I submit forms to request medical or parental leave?
We recommend that you submit the Medical or Parental Leave Form and the Certification of Healthcare Provider form at least 30 days in advance for a foreseeable leave. For unforeseeable leave you will be allowed 15 days to provide a medical certification form.

Click here for additional information of the Family Medical Leave Act.