Family Medical Leave Act
Frequently Asked Questions

Q. What is FMLA?
The Family and Medical Leave Act (FMLA), a law that was passed in 1993 and recently amended, allows you to balance your work and family life by taking job-protected unpaid leave for certain family and medical reasons due to a serious health condition. Under FMLA you are entitled to unpaid leave and the maintenance of your health benefits during the leave.

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 for at least 1,250 hours during the previous 12 months.

Q. How does FMLA protect me?
When you have been approved for FMLA, the time that you take off due to a serious health condition cannot be counted against you on your performance appraisal. Your probationary period may be extended for the period you are on leave to allow more time for you to be evaluated. A faculty member may request that their tenure clock be extended. Upon return from FMLA leave, most employees are entitled to be returned to the same or an equivalent position.

Q: What are the reasons that may entitle me to FMLA protection?
You are entitled to a total of 12 weeks of unpaid leave per fiscal year (July 1—June 30) for one or more of the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for your child after birth or placement for adoption or foster care;
- to care for your spouse, son, daughter or parent who has a serious health condition;
- for a serious health condition that makes you unable to perform the functions of your job
- for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or ordered to active duty) in support of contingency operation; or
- to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (26 weeks)

Q. What is a serious health condition?
A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your job, or prevents your qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
Q. **What types of leaves are available to me?**

- **Full Leave**

  When on a full leave, you are not working at all. You must use accrued leave (annual, sick, or compensatory leave) or leave without pay during this time. Accrued leave shall be used in accordance with UCF’s practices.

- **Intermittent Leave (not available for non-FMLA or parental leaves)**

  Intermittent leave may be taken for specific medical reasons confirmed by a health care provider. Time off may be periodically for one or more hours, or for up to 10 days. Examples of intermittent leave will include leave taken on an occasional basis for medical appointments/treatment, or leave taken several days at a time, such as for chemotherapy, physical therapy, or dialysis. When not working, you must use accrued leave or leave without pay.

  **NOTE:** If you need leave on an intermittent basis for planned medical treatment, you should make a reasonable effort to schedule the treatment so as not to disrupt unduly the University’s operations.

- **Reduced Work Schedule Leave (RWS)**

  When on a RWS leave, you may work less than your normal work schedule. The proposed work schedule must be attached to the leave request form and approved by your department. When not working, you must use accrued leave or leave without pay. An example of a RWS leave is someone who is recovering from a serious health condition and not medically able to work their normal work schedule.

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. Accrued leave shall be used in accordance with UCF’s practices.

For specific information related to Faculty employees including FAQs, modified instructional duties, and paid parental leave, refer to the Faculty Excellence website at: [https://facultyexcellence.ucf.edu/paid-parental-leave/](https://facultyexcellence.ucf.edu/paid-parental-leave/).

For specific information related to Graduate Students and paid parental leave, reference the Graduate Student Catalog at: [https://graduate.ucf.edu/parental-leave-for-graduate-assistants/](https://graduate.ucf.edu/parental-leave-for-graduate-assistants/)

Q: **How much time can I take for a medical leave?**

Medical leaves in general are granted in 90-day increments. It is based on the medical condition stated on the Certification of Health Care Provider Form that your physician (or your family member’s physician) must complete.

Q: **How much time can I take for a parental leave?**

UCF allows up to six months of parental leave for both the mother and father. It may be taken any time during the first 12 months after your child arrives.

Q: **How does FMLA work with a medical or parental leave of absence?**

The first 12 weeks of your approved medical or parental leave will count towards your FMLA entitlement.

Q: **How does FMLA impact tenure for Faculty members with a leave of absence?**

Time spent on family and medical, parental, administrative, or military leave extends an employee’s tenure clock. Faculty members, particularly Assistant or Associate Professors, interested in adjusting their tenure clock, or who have questions about their tenure clock, should contact Faculty Excellence at 407-823-1113 to discuss any adjustments.
Q: Can leave taken due to pregnancy complications count against my 12 weeks of FMLA leave for the birth and care of my child?

Yes. 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. A pregnant employee may take leave intermittently for prenatal examinations, or for her own condition, such as for periods of morning sickness.

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: How are my insurance deductions affected when I am on medical or parental leave?

While on paid leave, insurance deductions will only be affected when you are not paid a sufficient amount of hours to cover your biweekly benefits premiums. While on unpaid leave, your insurance deductions cannot be payroll-deducted. Please contact your Benefits Coordinator at 407-823-2771 to make arrangement for payment of your insurance premiums.

Q: When must I submit forms to request medical or parental leave?

We recommend that you submit the Medical Leave Request Form or Parental Leave Request Form and the Certification of Health Care Provider Form at least 30 days in advance for a foreseeable leave. For an unforeseeable leave, you will be allowed 15 days to provide a Certification of Health Care Provider Form.

For specific information related to Faculty employees including FAQs, modified instructional duties, and paid parental leave, refer to the Faculty Excellence website at: https://facultyexcellence.ucf.edu/paid-parental-leave/.

For specific information related to Graduate Students and paid parental leave, reference the Graduate Student Catalog at: https://graduate.ucf.edu/parental-leave-for-graduate-assistants/.

Q: What am I required to submit when returning to work from a leave of absence?

If your absence was due to your own injury, illness, or pregnancy, the Intent to Return to Work and Medical Release Form must be completed and submitted to your supervisor prior to returning to your normal work schedule or a reduced work schedule. The Medical Release Section must be completed by your health care provider.

If your absence was to care for the serious health condition of a family member, the Intent to Return to Work Form must be completed by you and submitted to your supervisor.

Q: What if I need a job accommodation to return to work?

For temporary accommodations on a limited basis, the UCF Human Resources Leave Coordinator may be able to assist by having an informal conversation with your supervisor.

In situations where additional medical documentation is required, or the department (or requesting employee) requires further information before responding to an accommodation request, the Reasonable Accommodation Request Form should be completed and sent to oie@ucf.edu. Documentation of the disabling condition and the need for an accommodation is generally required, unless the condition and the need for the requested accommodation is obvious. For specific information on job accommodations at UCF, reference the Office of Institutional Equity website at: http://www.eeo.ucf.edu/documents/AccommodationsInEmploymentAndForMembersOfThePublic.pdf.

For more information regarding FMLA, please visit the HR Website at: http://hr.ucf.edu/liaisons-and-managers/manager-resources/personnel-issues/family-and-medical-leave-act/

If you have additional questions regarding FMLA, please contact the Leave Administration Section at: loaandworkcomp@ucf.edu or (407) 823-2771.

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