

**Department of Administration
Administrative Services - Human Resources
Family and Medical Leave Act FAQs
Rev. 03/16**

What is Family and Medical Leave Act (FMLA)?

FMLA entitles eligible employees to take unpaid, job-protected leave for specific family and medical reasons with continuation of group health insurance coverage up to 12 weeks (26 weeks in certain military caregiver cases) in a 12-month period.

Who is eligible?

Any employee with 12 months of State service (not necessarily consecutive) and has logged 1,250 hours of service in the 12 months preceding the FMLA request.

What are FMLA qualifying events?

1. Birth of a child or placement of a child with employee for adoption or foster care
2. Care for a spouse, son, daughter, or parent who has a serious health condition
3. For a serious health condition that makes the employee unable to perform essential functions of his or her job
4. Qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status

An eligible employee may be granted up to 12 weeks in each calendar year on a continuous or intermittent basis.

Schedule	Hours per day	Weeks	Days	Hours
37.5 hours per week	7.5	12	60	450
40 hours per week	8	12	60	480

An eligible employee may be granted up to 26 weeks in each calendar year on a continuous or intermittent basis in order to care for a covered service member (spouse, son, daughter, parent, next-of-kin) who is injured or becomes seriously ill while on active duty.

Schedule	Hours per day	Weeks	Days	Hours
37.5 hours per week	7.5	26	130	975
40 hours per week	8	26	130	1,040

What is the process for certifying an employee's FMLA request?

✂ Employees indicating a need for FMLA-protected leave must be referred to HR immediately. This includes any situation that may appear to qualify for FMLA should be reported to HR immediately.

1	<p>Upon notice of need for FMLA, HR will send employee the following forms within 5 business days</p> <ul style="list-style-type: none"> • Notice of Eligibility and Rights & Responsibilities • Certification of Healthcare Provider for Employee and/or Family Member <p>Note: Medical certification is not required for leave to bond with newborn child or child placed for adoption or in foster care.</p>
2	Employee should return Certification Form to HR within 15 calendar days
3	HR will review Certification Form for FMLA designation
4	HR will send employee notice of final FMLA approval or denial within 5 business days

What do supervisors need to know?

- Refer potential FMLA situations to HR immediately
- Communicate with employee to ensure appropriate leave type is submitted timely. If employee is in leave without pay (LWOP), payroll may be affected retroactively.
- Allow HR to make the FMLA declaration for the agency. DO NOT tell an employee s/he is covered.
- Under no circumstances may the direct supervisor contact the employee's healthcare provider.

Time Code	Leave Type
2016	FMLA/Annual Leave
2017	FMLA/Compensatory Time
2018	FMLA/Holiday Compensatory Time
2019	FMLA/LWOP (leave without pay)
2020	FMLA/Sick Leave
2036	FMLA/Family Sick Leave
2037	FMLA/Sick Leave/Adoption

Note: See the agency's Family Medical Leave Act Policy and Procedure for specific information.