

CMU

CENTRAL MICHIGAN
UNIVERSITY



Family and Medical Leave Act (FMLA)

Introduction to the FMLA

- What is the benefit of FMLA?
- Employee Eligibility
- Qualifying Reasons for Leave
- Amount of Leave
- Employee Rights and Responsibilities
- CMU's administration of FMLA
- Supervisor Responsibilities



What is the benefit of FMLA?

- Maintains group health insurance
- Restores the employee to same or equivalent job and benefits
- Protects absences covered under FMLA

Employee Eligibility

- CMU is a covered employer under the FMLA
- At the time leave is to commence, an employee must have:
 - Worked at least 12 months for CMU (temporary and student assignments count, need not be 12 months consecutively)
 - Have at least 1,250 hours of service during the 12 months immediately preceding the leave (actual hours worked)

Qualifying Leave Reasons

Eligible employees may take FMLA leave:

- For the birth or placement of a child for adoption or foster care
- To care for a spouse, son, daughter, or parent with a serious health condition
- For their own serious health condition
- Because of a qualifying reason arising out of the covered active duty status of a military member who is the employee's spouse, son, daughter, or parent (**qualifying exigency leave**)
- To care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (**military caregiver leave**)

**Military
Family
Leave**

Qualifying Family Members

- **Parent** - A biological, adoptive, step or foster father or mother, or someone who stood *in loco parentis* to the employee when the employee was a son or daughter. Parent for FMLA purposes does not include in-laws.
- **Spouse** – All individuals legally married, whether opposite-sex, same-sex, or married under common law, regardless of where they live.
- **Son or Daughter** - *For leave other than military family leave*, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age, or 18 or older and incapable of self-care because of a mental or physical disability.

Qualifying Leave Reasons – For the Birth or Placement of a Child

- Both the mother and father are entitled to FMLA leave for the birth or placement of the child and/or to be with the healthy child after the birth or placement (bonding time)
 - If both parents work for CMU bonding time for the mother and father is a combined 12 weeks together
- Employees may take FMLA leave before the actual birth, placement or adoption (examples: prenatal appointments, necessary meetings prior to placement/adoption)
- Leave must be completed by the end of the 12-month period beginning on the date of the birth or placement

Qualifying Leave Reasons – Serious Health Condition

Illness, injury, impairment or physical or mental condition involving:

- Inpatient Care (an overnight stay in a hospital, hospice or residential medical facility), or
- Continuing Treatment by a Health Care Provider:
 - Incapacity for more than 3 calendar days plus treatment (treatment two times by HCP; first in-person visit within 7 days, both visits within 30 days of first day of incapacity OR treatment one time by HCP, followed by a regimen of continuing treatment, i.e., prescription medication, physical therapy)
 - Pregnancy (incapacity due to pregnancy or prenatal care)
 - Chronic conditions (requires periodic visits at least 2x/year, continues over an extended period of time, may cause episodic rather than continuing periods of incapacity)
 - Permanent/Long-term conditions (incapacity due to a condition for which treatment may not be effective)
 - Absence to receive multiple treatments (restorative surgery after an accident/injury, or for conditions if left untreated would likely result in incapacity of more than three consecutive, full calendar days)

Amount of Leave

Eligible employees may take up to a combined **12 workweeks** of FMLA leave each calendar year in which they qualify:

- for the birth or placement of a child for adoption or foster care;
- to care for a spouse, son, daughter, or parent with a serious health condition; and
- for the employee’s own serious health condition.

Amount of Leave – Intermittent Leave

- Employee is entitled to take intermittent or reduced schedule leave for:
 - Employee’s or qualifying family member’s serious health condition when the leave is medically necessary
 - Covered servicemember’s serious injury or illness when the leave is medically necessary
 - A qualifying exigency arising out of a military member’s covered active duty status
- Leave to bond with a child after the birth or placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent or reduced schedule leave

Employee Rights & Responsibilities

- Provide sufficient and timely notice of the need for leave:
 - ✓ Foreseeable Leave - 30 days notice, or as soon as practicable
 - ✓ Unforeseeable Leave - as soon as practicable
- Employees will:
 - ✓ Provide medical certification to support the need for leave (submitted within 15 calendar days, employee is responsible for cost, re-certification may be required)
 - ✓ Provide periodic status reports
 - ✓ Provide fitness-for-duty certification prior to returning to work for employee's own serious health condition

CMU's Administration of FMLA

- FMLA allocated on a calendar year basis
- Employees are required to use all accrued paid leave concurrently with FMLA before an unpaid leave can be approved
- Employees may bank up to 40 hours of vacation
- If an employee does not return from leave for at least 30 days, employees will be responsible for reimbursing CMU for university healthcare contribution's made on behalf of the employee while on an unpaid FMLA leave

What is my responsibility as a supervisor?

1. To determine whether or not your employee's absence qualifies under the FMLA (utilize the FML Eligibility Checklist). Employees do not need to say I need FMLA, initially. If a leave is intermittent however, employees do need to say FMLA for subsequent requests.
2. If your employee is eligible, complete the Notice of Eligibility & Rights and Responsibilities form within 5 business days of notification from the employee.
3. Email the completed notification (along with the appropriate blank medical certification form) to the employee, with a cc: to Human Resources (Erin Christian). If you receive a medical certification, forward to Human Resources (Erin Christian) and destroy your copy. As a supervisor you MAY NOT contact an employee's healthcare provider.
4. Ensure FMLA is tracked in Time Clock Plus for each absence (sick pay will automatically be tracked once FMLA is entered).
5. Require a return to work release ON OR BEFORE the employee's first day back (only required for leave for self on a continuous basis, except for maternity leave) otherwise, they MUST NOT be permitted to return. If restrictions are listed, ensure they can be accommodated.
6. Forward the return to work release with confirmation that restrictions can be accommodated to Human Resources (Erin Christian).

Side note: If an employee's leave is intermittent, make yourself aware of the estimated frequency and duration (provided on the Formal FMLA Leave Designation Notice by HR). If an employee continuously waives from this, please let Human Resources (Erin Christian) know as we should request re-certification.

Where can I find the Leave of Absence Forms?

Human Resources home page > Employment Services >
HR ES Leave of Absence > Forms

Contact HR at ext. 2010