



FMLA

*Family Medical
Leave
Act*

What is FMLA?

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

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- In compliance with FMLA, it is the policy of the MTSU to provide eligible employees:
 - Job protected leave for up to 12 workweeks during a 12-month period.
 - Up to 26 workweeks of leave to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent or next of kin (military caregiver leave).
 - Continued health insurance coverage during the FML leave period.
 - Insure employee reinstatement to the same or equivalent position following the leave period.

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Who is eligible?

- Employees who have worked for MTSU for at least 12 months. Includes prior State, TBR or UT service.
- The employee must work at least 1,250 hours during the year preceding the start of the leave.
- The determination of whether the employee meets the eligibility criteria for FML is based on the amount of service possessed by the employee as of the date the leave actually begins.
- The FMLA policy includes both regular and temporary employees.

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- Eligibility Continued
 - All hours actually worked, including overtime, are used.
 - Annual leave and sick leave hours are not counted.
 - Exempt employees are assumed to have met the 1,250 hour requirement if they have worked 12 months (excluding leave and LWOP). Full-time faculty satisfy the 1,250 (excluding leave and LWOP).
 - Human Resource Services will make the eligibility determination.,

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FMLA Conditions

- ✓ The birth of a child and to care for the newborn child within one year of birth;
- ✓ The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- ✓ To care for the employee's spouse, child, or parent who has a serious health condition;
- ✓ A serious health condition that makes the employee unable to perform the essential functions of his/her job;
- ✓ Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty;

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Non-FMLA Conditions:

- Family Medical Leave is not allowed for:
 - grandparents, aunts, uncles, brothers, or sisters.
 - cosmetic surgery
 - common colds
 - flu
 - ear aches
 - upset stomach
 - minor ulcers
 - headaches - other than migraine

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What is a serious health condition?

The most common serious health conditions that qualify for FML leave are:

- conditions requiring an overnight stay in a hospital or other medical care facility;
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

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What is your responsibility as a supervisor?

- It is the supervisor's responsibility to notify Human Resource Services of any employee who is off from work three consecutive days because of personal or family illness.
- This standard applies whether or not the employee actually has sick leave or annual leave. The supervisor must ensure that leave is reported appropriately for each pay period.

Can a supervisor or department deny FMLA leave? No!

- The Human Resource Services Office is responsible for declaring FML.

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FML Declaration

- Once notified, the HRS office will provide the employee with “Request for Family/Medical Leave” and “Certification of Health Care Provider” forms.
- Both forms must be returned to HRS within 15 calendar days.
- The HRS office will confidentially maintain all records regarding FMLA usage.
- Once declared, the HRS office will notify the department that FML has been declared.
- If employee returns to work before notification, FML cannot be declared.

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Is an employee required to follow an employer's normal call-in procedures when taking FML leave?

- ✓ Yes, under the regulations, an employee must comply with the employer's regular call-in procedures unless unusual circumstances prevent the employee from doing so (in which case the employee must provide notice as soon as he/she can practicably do so). Regulations permit that if the employee fails to provide timely notice, he/she may have the FML request delayed or denied and may be subject to whatever discipline the employer's policies provide.
- ✓ If an employee does not request that an absence for sickness or injury be considered as a FML absence, the employer can designate it as such, and as a result count it against the employer's total leave requirement as long as all the FML eligibility requirements have been met.

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Are employees required to use leave?

- Yes, unless otherwise superseded, MTSU policy states that any employee who has an accumulated sick and annual leave balance must use this leave during a period of FML leave before going on leave without pay, and the FML leave policy shall run concurrently and not consecutively.
- Employees should report sick leave while under FML. Once released from care, the employee must report annual leave (example: pregnancy).

HRS Benefits Staff

Who should I contact?

❖ Karen Milstead (karen.Milstead@mtsu.edu)
extension 5390.

- ✓ You can e-mail Karen regarding any employee absence and she will follow up to make the determination of FML eligibility.

Conclusion

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Questions

&

Answers

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