FMLA Overview

Eligibility

Employees are eligible if they have been employed by the University for at least 12 months (need not be consecutive months) and worked at least 1,250 hours in the 12 months preceding the absence. With proper documentation, eligible employees may receive up to 12 weeks of unpaid leave in a 12 month period for the following types of absences:

* An employee's own serious health condition
	+ "**Serious health condition**" means an illness, injury, impairment, or physical or mental condition that involves:
		- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
		- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
		- any period of incapacity due to pregnancy, or for prenatal care; or
		- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
		- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
		- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
* The serious health condition of an employee's immediate family member
* Caring for a newborn or newly-placed adopted child or foster child
* Certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation. Qualifying exigencies include:
	+ Issues arising from short notice deployment (seven or less days of notice)
	+ Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs
	+ Certain childcare and related activities
	+ Making or updating financial and legal arrangements
	+ Attending counseling
	+ Taking up to five days of leave to spend time with a covered military member who is on short-term rest and recuperation leave
	+ Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events for a period of 90 days following the termination of active duty status and addressing issues arising from the death of a covered military member
	+ Any other event that the employee and employer agree is a qualifying exigency.

Qualifying exigency leave is only available to a family member of a military member in the National Guard or Reserves.

Additionally, eligible employees may qualify for up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

FMLA Calendar

The University designates the FMLA calendar year as a 12-month period measured forward from the date of an employee's first FMLA event. (A rolling calendar method)

Designation of FMLA Administrator

The "administrator" designation is given to the office or person responsible for reviewing and responding to the employee request for FMLA leave and for determining whether an absence is FMLA qualifying.

* Stillwater Campus: Human Resources is the administrator for FMLA and is responsible for ensuring compliance.

Responsible administrators will provide review and respond to employees FMLA requests within a reasonable time after notice of the need for leave is given by the employee—within five business days, if feasible.  This response provides the specific obligations and expectations of a FMLA leave and any consequences of failure to meet the obligations.

FMLA Responsibilities

*The employee requesting leave:*

* Must give the department at least 30 days notice of the leave, whenever possible.
* Must attempt to schedule a foreseeable leave so as not to unduly disrupt the department's operation.
* In the case of unexpected disability, must make a request as soon as practical.
* Obtains medical certification or other documentation needed to support request for FMLA absence.

*Supervisors:*

* Send employee FMLA requests or otherwise notify Human Resources of employee absences that may be qualifying.
* Approves requests for leave once the FMLA has been approved by Human Resources.
* Submits appropriate EA to reflect FMLA dates.
* Track/Oversee FMLA qualifying absences.
* Track/Oversee follow-up to FMLA leave such as return to work, re-certifications and exhaustion.

*Human Resources (FMLA Administrator):*

* Review and respond to certification requests that may be FMLA qualifying.
* Maintain University records of FMLA requests and action taken pursuant to those requests, including but not limited to initial requests, certifications, employer responses to requests.
* Advises department on how to document all leave appropriately.
* Informs employees of FMLA leave requirements.

Leave Requests

Eligible employees interested in FMLA should:

* Request FMLA information and forms from Human Resources.
* Complete the FMLA forms as appropriate, and return the signed form to Human Resources. If the leave is 'foreseeable', a 30-day advance notice is requested along with the completed forms.

Response to Leave Requests

Human Resources:

* Provide to employee requesting information the FMLA documentation within five business days of a request.
* Maintain appropriate documentation to support or deny a leave request.
* Require the employee to use, concurrently with the FMLA leave, annual leave, sick leave, and compensatory time.

Leave Documentation

Supervisor:

* FMLA leave must be recorded by the designated departmental personnel on the employee time report. (Work with HR for appropriate spreadsheet)
* Paid and unpaid FMLA leave is to be documented.
* The designated departmental personnel recording FMLA time will need to report status of employee’s leave to Human Resources before leave is exhausted.

Placing Employee on FMLA Leave without Specific Request

In addition to approving an employee request for leave under FMLA, the Act allows an employer to place an employee on FMLA leave without a specific request. This can occur when the employer has cause to believe that the period of absence is without doubt a FMLA-qualifying.

In such situations, the supervisors should notify Human Resources immediately and HR should:

* Notify the employee that they are being placed on a FMLA leave when appropriate and provide them with the FMLA information and forms.
* Inform the employee how their accrued leave will be used: An employee is required to use concurrently with the FMLA leave, the following paid leaves in the order listed:
	+ Sick leave
	+ Annual Leave
	+ Compensatory Time

Employees should:

* Complete the form as appropriate, and return the signed form to HR for processing.