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Family Medical Leave Act (FMLA)



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What is FMLA?

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of unpaid leave (job and benefit protected) a year for specified family and medical reasons.

Additionally, FMLA provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members.

Eligibility *(Who can take FMLA leave?)*

An eligible employee is one who:

- Has worked for the employer at least 12 months as of the date the FMLA leave is to start, and
- Has at least 1,250 hours of service* for the employer during the 12-month period immediately before the date the FMLA leave is to start.

*Only the time actually worked, including overtime hours worked, is counted. Time not actually worked, including vacation, sick leave, holidays, and any other form of paid and unpaid time off is not counted towards the 1,250 hours of service.

Qualifying conditions *(When can I use?)*

Eligible employees may use up to a total of twelve weeks of FMLA leave (continuous or intermittent) for one or more of the following reasons:

- For the birth of a child, and to bond with the newborn child;
- For the placement with the employee of a child for adoption or foster care, and to bond with that child;
- To care for an immediate family member (spouse, child or parent – but not parent “in-law”) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; or
- For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active-duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

The FMLA also allows eligible employees to take up to **twenty-six workweeks** of unpaid leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.



Serious Health Condition

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

- Conditions requiring an overnight stay in a hospital or other medical care facility;
- Conditions that incapacitate you or your immediate family member for more than three consecutive days and have ongoing medical treatment (physical or mental);
- Chronic conditions that cause occasional periods when you or your immediate 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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Employee Notice

Employees seeking to use FMLA leave must provide sufficient and timely notice of the need for a leave.

- Foreseeable Leave – Required to provide 30-day advance notice
- Foreseeable Less than 30 days in advance – Must provide notice as soon as practicable – generally, either the same or next business day.

Employees must provide sufficient information for an employer to reasonably determine whether the FMLA may apply to the leave request. (Instructions on how to initiate an FMLA request on next slide.)



Initiating the Process

To initiate a FMLA request, you must complete the [Request for Family and Medical Leave](#) 30 to 45 days prior to the date you need your leave to begin. If you are unable to complete your request at least 30 days prior, then please submit it as soon as is practicable. If you are unexpectedly absent for three or more days, then your supervisor may also submit the request on your behalf.

Supervisors who receive a request for a medical leave of absence shall immediately advise the employee to submit the request. If the employee is unable or unavailable to complete a FMLA request, supervisors should immediately notify the HR Office of the need for the absence.

***It is the employee's responsibility to consult with their supervisor of the request for leave under FMLA.**



Employer Notice

Upon receipt of a FMLA leave request or knowledge that leave may be for a FMLA leave purpose, the employer must within five business days (absent extenuating circumstances):

- Notify the employee of their eligibility to take leave and inform them of their rights and responsibilities under the FMLA.
- Supply the employee with the appropriate FMLA forms* and allow at least fifteen calendar days to obtain the medical certification.

Upon receipt of the medical certification, the employer must:

- If the certification is incomplete, advise the employee in writing what additional information is necessary, and allow the employee at least seven calendar days to correct the deficiency.
- If the certification is complete, within five business days, send the Notice of Designation to employee and supervisor.

*The HR Office utilizes the [FMLA forms](#) available on the U.S. Department of Labor website.





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Employee Responsibilities

- Within fifteen calendar days from receipt of FMLA leave forms, the employee must return completed certification to HR to support the need for the leave. If employee fails to submit, FMLA protection will be delayed or denied. If employee never provides a medical certification, then the leave is not FMLA leave.
- While on leave, provide periodic status reports. An employee must comply with their supervisor's call-in procedures unless unusual circumstances prevent the employee from doing so (in which case, providing notice as soon as they can practicably do so). If the employee fails to provide timely notice, they may have their FMLA leave request delayed or denied and may be subject to disciplinary action.
- If enrolled in disability insurance, the employee may reach out to BCBS at 1-866-628-2606 to file a claim.



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Unpaid Leave

The FMLA only involves unpaid leave. It runs concurrently with any eligible accrued leave balances the employee has.

The University requires the employee to use all available paid leave time before an unpaid leave will begin.

If FMLA leave is designated and under unpaid leave, the employee is responsible to pay for their monthly benefit premiums. Information is provided to them in the event they go unpaid.

Under certain circumstances, an employee may be eligible for paid leave under the [Sick Leave Pool](#) and/or [Family Leave Pool](#). The employee must apply and be approved to receive leave funds from these pools.

Fitness-for-Duty Certification

It is the employee's responsibility to submit a Fitness-for-Duty Certification from their physician prior to their return to work. The form is provided to employee upon approval of FMLA designated leave.

If an employee fails to submit a fitness-for-duty certification, their return to work will be delayed until the employee provides the certification.

If the employee never provides the certification, they may be denied reinstatement, and their employment may end.

Not eligible for FMLA?

Employees may seek to utilize:

Parental Leave

- Provides up to twelve workweeks of unpaid job protection for the birth of a child or the adoption or foster care placement of a child under the age of three.

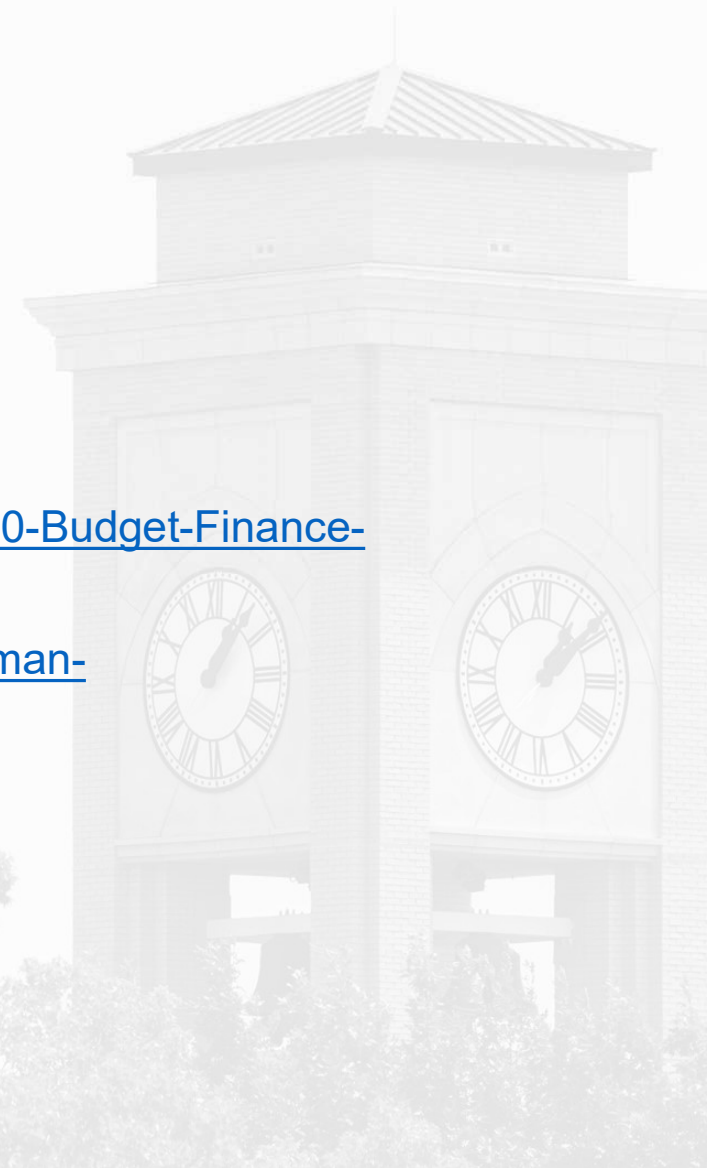
Sick Leave

- Utilized when an employee is prevented from performing his or her job due to sickness, injury, pregnancy or confinement.
- May be used to care for an employee's immediate family member who is ill.
- An absence of three or more days requires a doctor's certification, stating the employee is non-contagious and safe to return to work.



Resources

- DOL website: <https://www.dol.gov/agencies/whd/fmla>
- HOP 4.18.5, Authorized Leave: <https://uttyler.smartcatalogiq.com/UTTyler/HOP/Series-400-Budget-Finance-Operations/4-18-5-Authorized-Leave>
- HR Dedicated Leave Website: <https://www.uttyler.edu/human-resources/employees/leave/>





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Questions?

