Guideline/Policy Name: **Family & Medical Leave Act (FMLA) Policy**

Revision Date: 10/16/02

Approved by: Director, University Services Human Resources

The following Family & Medical Leave Act (FMLA) Policy for the University of Minnesota is based on federal legislation:

FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for a serious health condition, for the birth of adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. The Act is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity.

**Policy**

**Eligibility** - Employees are eligible if they have worked at the University for at least 12 months and worked at least 1,250 hours in the 12 months preceding the commencement of the leave. Eligible faculty and staff are able to use up to a total of 12 weeks of leave in any fiscal year with proper medical documentation for the following types of absences:

- an employee’s own serious health condition;
- the serious health condition of an employee’s immediate family member; or,
- caring for a newborn or newly adopted child or foster child.

**Reinstatement** - An employee returning to work following FMLA leave will be able to return to the same job or an equivalent position. Any benefits, seniority, etc., in place immediately before the leave will be reinstated provided that the employee returns to work within 30 days following the leave end date.

**Benefits/Other Leave Programs** - If an employee requests an FMLA leave, the employee will be required to first use all accrued sick leave for which they are otherwise eligible, and then any accrued vacation leave in excess of ten days, concurrently during the FMLA leave period. Per Article 18.4 of the Teamster Contract, Teamster employees shall be allowed to use vacation leave or may be allowed a leave without pay not to exceed one hundred sixty (160) hours two (2) pay periods prior to being required to use vacation leave.
Critical Information for Supervisors/Administrators

Supervisors must inform the Human Resources FMLA administrator immediately of an employee requesting FMLA leave, FMLA information, or of an employee to be placed immediately on leave without a specific request. The FMLA administrator will send out a FMLA Information Packet within two days of a request to the employee by, U.S. Mail. The FMLA Information Packet provides the specific obligations and expectations of a FMLA leave and any consequences of failure to meet the obligations. The FMLA emphasizes record keeping and notifying employees of their rights. The law requires that specific “payroll” information be recorded and maintained on individuals who take FMLA leaves. This data is subject to audit by the Department of Labor.

Responsibilities

*Employees* - The employee must, whenever possible, give the department at least 30 days notice of the leave. The employee must also attempt to schedule a foreseeable leave so as not to unduly disrupt the department’s operation. In the case of unexpected disability, the employee must make a request as soon as practical. The employee is always responsible for obtaining needed medial certification to support any FMLA leave.

*Supervisors* - Responsible for initiating FMLA when appropriate, tracking the leave and keeping the administrator up to date on the leave.

*Human Resources* - Responsible for administering the leave, advising supervisors on how to inform employees about FMLA leave and how to document all leaves appropriately under the federal regulations and for informing employees of FMLA leave requirements.

Procedures

*Leave Requests* - eligible employees interested in FMLA should:

1. Request a FMLA Information Packet from the Human Resources FMLA Administrator. Supervisors must notify the FMLA administrator of any employee requesting leave immediately.

2. The FMLA Administrator will send the FMLA Information Packet to the employee by U.S. mail.

3. Employees must complete, along with a physician, the FMLA Leave Certification of Health Care Provider portion of the FMLA Leave Information Packet, and have their physician forward the completed form to the FMLA Administrator by U.S.
Timing of Leaves - Eligible employees may request up to 12 weeks of leave. All employees must return to work no longer than 30 days following the end of the FMLA leave to retain rights under the FMLA.

Response to Leave Requests

Supervisors will:
1. Inform the FMLA Administrator immediately when an employee requests FMLA leave.
2. Track the 12 weeks of eligible leave under FMLA.
3. Require all employees to exhaust any accrued sick leave and vacation leave in excess of 10 days during their FMLA leave period. Teamster represented employees may not be required to use their vacation leave while on a FMLA leave, per Article 18.4 of the collective bargaining agreement.

Human Resources FMLA Administrator will:
1. Send the employee a FMLA Information Packet by U.S. mail within two days of being informed by them or their supervisor.
2. Notify the employee and their supervisors in writing, upon receipt of their Certification of Health Care Provider form, of whether or not their leave request has been approved.
3. Maintain all documentation regarding an employee’s FMLA leave in a separate Occupational Health File.

Employees will:
1. Complete the Certification of Health Care Provider form along with their physician and have their physician send the form directly to the FMLA administrator.

Additional Documentation

You must also fill out the following documentation:
- Certification by Health Care Provider
  (http://www.userVICES.umn.edu/hr/forms/FMLACertification.doc)