

## **Family and Medical Leave Act (FMLA) Quick Reference**

### **MAPP Policy: 02.02.01**

<http://www.uh.edu/mapp/02/020201.pdf>

### **Family & Medical Leave Statement**

Family and medical leave is provided to eligible employees for any of the events or conditions listed below. Leave taken for these events must be reported as family and medical leave:

- The birth of a child and the care of the newborn.
- The placement of a child with an employee in connection with the adoption or state-approved foster care of the child.
- A serious health condition of the employee.
- The serious health condition of a child, parent, or spouse of the employee.

An eligible employee is entitled for up to a maximum of 12 weeks of approved family and medical leave in a year, as defined in MAPP policy 02.02.01. An employee who does not meet the eligibility requirements for family and medical leave may be eligible for parental leave for the birth of a natural child or the adoption or state approved foster care placement of a child under three years of age.

Definitions of eligibility and who is an “employee, child, parent, etc.” are provided in MAPP 02.02.01

### **Brief Overview of the FMLA Process**

1. For a qualifying FMLA event or notice of future event by employee to department, details need not be provided by employee to their department.
2. FMLA Application and Certification of Health Care Provider forms must be completed and submitted to Human Resources
  - a. Use only the most recent version of these forms as found on the HR Forms website:  
<http://www.uh.edu/hr/resources/hrforms.htm>
  - b. The Certification of Health Care Provider is to be submitted to HR directly by the employee or physician – the department should neither receive nor retain copies of this document
3. HR receives the application and Certification forms; reviews and either approves or denies the request
4. A letter of approval/denial will be sent to the employee; it will include:
  - a. Start and return to work dates (recertification date if request is intermittent)
  - b. UH FMLA policy information
  - c. Information on benefits while on FMLA
5. Department receives notice of approval/denial of FMLA via email; it will include:
  - a. A copy of the letter sent to employee
  - b. Start and end dates (recertification date if request is intermittent)
  - c. Return to work date
  - d. Vacation and/or sick time available totals given in “total number of days available with pay”
  - e. Time that will be unpaid (if applicable)
  - f. Notification that HR will process the ePAR placing the employee on leave and that the department should return the employee from leave.
6. For FMLA requests that will be non-intermittent 2 ePARs may be required:
  - a. First: HR will place the employee on paid leave (if vacation and/or sick time is available)
  - b. Second: HR will place the employee on unpaid leave (if vacation and/or sick time is unavailable or exhausted)

7. Initial ePAR will be approved and finalized in HR

8. Returning to work:

- a. The department will be responsible for returning the employee back to work in the system.
- b. Good practice to have employee provide a fitness to return to work notice from their physician (copy must be provided to HR when applicable)
- b. If more time is required (not to exceed the 12 weeks) HR must be contacted immediately

**Important FAQ's:**

- Employees are entitled to a maximum of 12 weeks in a rolling calendar year
- Certification of Health Care Provider is to be given directly to HR
  - Do not copy or place a copy with ePAR
- FMLA is unpaid time
  - The university requires that all sick and vacation time be exhausted before time becomes unpaid
  - If the employee has comp time available, the department cannot require the employee to use comp time while out on FMLA
- Eligible employees requesting FMLA due to pregnancy are entitled to the full 12 weeks regardless of time indicated by physician. However, sick leave may only be used for physician approved time off and vacation must be used for the time beyond the physician approved leave.
  - Employee may take time off before the pregnancy as well
- Parental leave is for employees who do not qualify for FMLA but will be delivering or adopting a child
  - Entitled to the same 12 week maximum which can only begin the day the child is born or adopted
  - Employees are not eligible for both Parental Leave and FMLA
- Employees continue to accrue sick and vacation time while out on FMLA; however, it cannot be used until they are returned from FMLA
- Intermittent FMLA
  - Does not require an ePAR
  - Requires department to keep track of time taken toward FMLA and record to ensure 12 week allowance is not exceeded
  - Requires recertification every 6 months to remain active
- Sick Leave Pool for catastrophic illness may be applied for by the employee when they go out on FMLA; however, payment will be provided only if eligibility requirements have been satisfied
  - <http://www.uh.edu/hr/HRFORMS/sickleavepool.pdf>
  - SAM 02.D.02: <http://www.uhsa.uh.edu/sam/2HumanResources/2D2.pdf>
- Disability may be applied by the employee when they go out of FMLA (if they have elected as part of their benefits)
  - [http://www.fdl-life.com/ers/pdf/disab\\_claim.pdf](http://www.fdl-life.com/ers/pdf/disab_claim.pdf)

**Contact Information:**

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