

Family and Medical Leave Act FAQ's

What is FMLA?

The Family and Medical Leave Act of 1993 (FMLA) is a federal law designed to help you preserve your job and benefits when you need time off from work to take care of a new child or deal with serious health situations involving your family or yourself. You can take time off to attend to such critical life events without losing your employment and health insurance coverage.

How do I know if I am eligible for FMLA?

To qualify for FMLA, you must have 12 months of service with the University of Central Oklahoma and you must have worked at least 1,250 hours during the 12 months prior to the date your leave begins.

What family and medical leave reasons qualify?

Leave taken for the following reasons are designated as FMLA:

- Your own serious health condition;
- An immediate family member's serious health condition;
- Care for your child after birth, adoption or foster care placement.

What is a "serious health condition"?

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

"Inpatient care" refers to an overnight stay in a hospital, hospice, or residential medical care or any subsequent treatment in connection with the inpatient care.

"Continuing treatment by a health care provider" refers to any of the following:

- A period of incapacity of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves either treatment two or more times within 30 days, or treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment.
- Any period of incapacity due to pregnancy or prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits (at least twice per year) for treatment by a health care provider, which continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
- Permanent or long-term conditions in which treatment may not be effective.
- Conditions that require multiple treatments.

"Incapacity" refers to an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

If I have an injury that qualifies under Workers' Compensation, does it qualify for FMLA?

It depends. If the injury meets the definition of a serious health condition and you qualify for family and medical leave, the employer must designate your time off as FMLA.

How much time am I eligible to take for an FMLA reason?

You are eligible for up to 12 weeks or 480 hours of leave. The University uses the "rolling backward" method to calculate the 12-month period. This is the 12-month period measured back in time from the date you request any family and medical leave.

Can I take intermittent or reduced hour leave for a serious health condition?

Yes. If your health care provider states you need to work an intermittent or reduced schedule for a serious health condition, you can reduce your hours or use leave intermittently. Your health care provider must indicate a schedule of time off for visits or treatments or the likely duration and frequency of episodes of incapacity.

Can I be transferred to another position while taking FMLA?

Your supervisor may temporarily transfer you to an alternative position in order to accommodate intermittent leave or leave on a reduced schedule that is foreseeable based on planned medical treatment. The alternative position must provide equal pay and benefits. Also, the employee must be qualified for the position. An employee may *not* be transferred to an alternative position in order to discourage the employee from taking leave but must be selected to better accommodate recurring periods of leave.

Will I receive pay while I am on FMLA leave?

Family and medical leave laws provide job protection for time off, but not pay. You will receive pay only if you have accrued paid leave (sick, vacation, compensatory) that is available to use.

What happens to my benefits while I am on unpaid FMLA leave?

Your benefits will continue. Deductions will be made from your pay; however, if you run out of paid leave your paycheck will be docked. If you do not have enough pay to cover your deductions, you will be required to provide the Benefits Office payment for your employee-paid benefits.

Do I have to provide a medical certification for myself or my family member's serious health condition?

Yes. You have 15 days from the date HR is notified of the leave to provide the medical certification.

What documentation do I need to return to work?

The Return to Work Authorization form must be signed by your physician and presented to HR on the day you return to work.