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Employee Toolkit

Navigating the Family and Medical Leave Act

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FMLA Overview

What is FMLA?

The Family and Medical Leave Act (FMLA) is a federal regulation that entitles eligible faculty/staff members (employees) to up to 12 weeks of job-protected leave and benefits continuation for qualifying events including:

- The employee's own serious health condition
- A family member's serious health condition (spouse, parent, or child under the age of 18)
- The birth or care of a newborn child
- The adoption or foster care of a child
- Qualifying military exigencies
- Military caregiver leave (up to 26 weeks)

Types of FMLA Leave

There are two types of FMLA leave.

1) **Continuous or Block Leave**

Leave is for a consecutive number of days.

Tracking Block Leave:

When an employee is designated for continuous, block leave s/he will be provided job-protected leave for a single period of time based on a medical certification completed by a medical provider. The supervisor is provided with a leave duration, as well as a return to work date. The Leave Coordinator will reach out to the employee at least one week prior to the return to work date and confirm that s/he does not need to extend the leave and is medically fit to return to work.

Who is Eligible for FMLA?

In order to be eligible for FMLA leave, the employee must:

- Be employed at the University for at least 12 months
- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

OR

- Be employed at a state employer for 12 months (Classified Staff Only)

How Does FMLA Work?

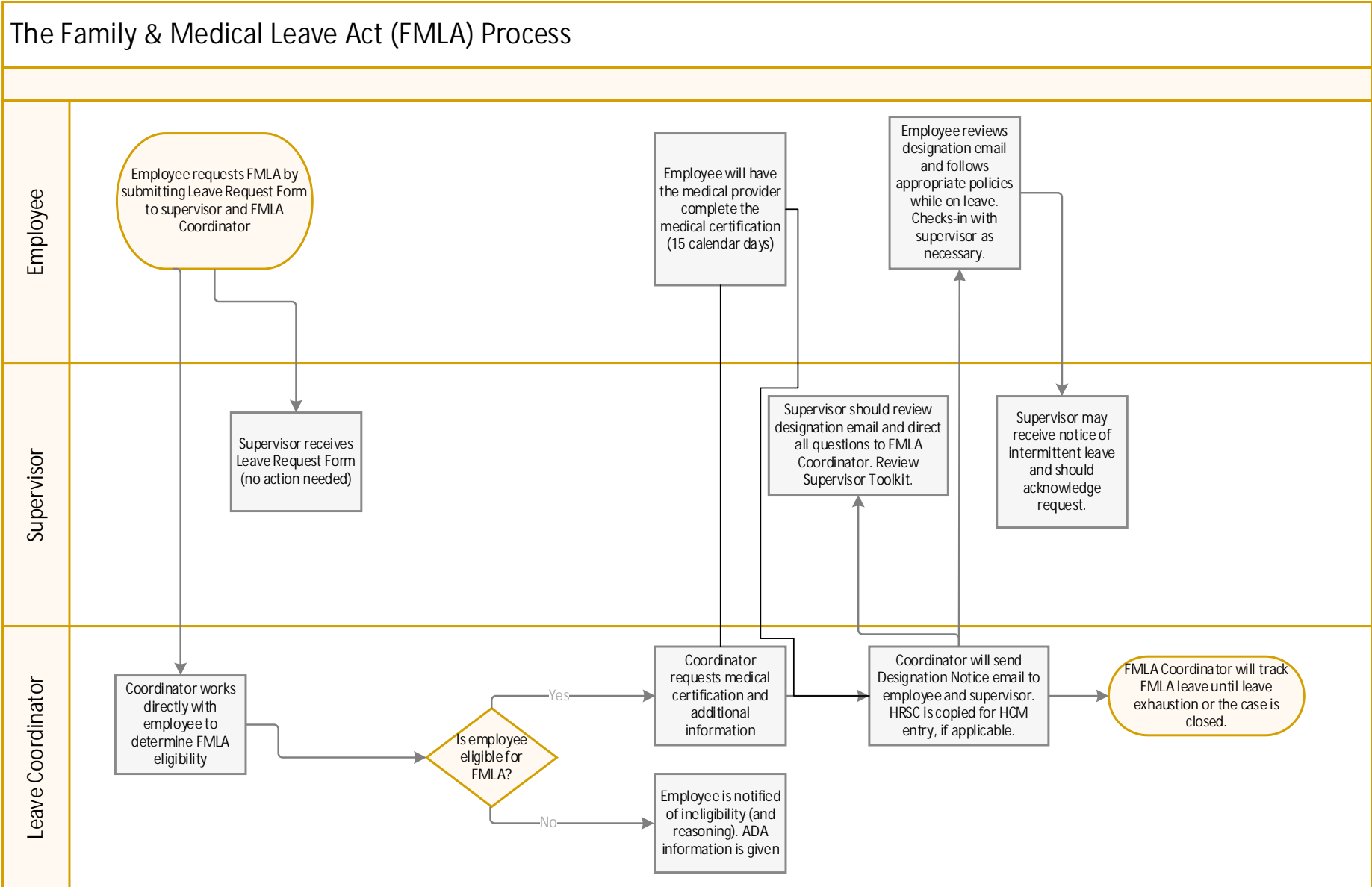
If the employee is taking FMLA leave for his/her own serious health condition or pregnancy:

The employee must submit a medical certification that will require information from the medical provider. The medical certification will be reviewed to ensure the need for leave is qualified under the Family and Medical Leave Act. The University requires that the employee substitute available paid leave (sick and annual) for unpaid FMLA leave. If the employee's leave has a duration of 29 consecutive calendar days (30 calendar days for Classified Staff), short-term disability (STD) pay may apply. Employees who elect to remain out of work longer than

FMLA Employee Checklist

- ✓ The employee should complete the **Family and Medical Leave Request Form** and send to the Central HR Leave Team at FMLA@colorado.edu
 - The Leave request form can be found here:
<https://www.colorado.edu/hr/employees/leave/family-medical-leave-act-fmla-employees>
- ✓ The Leave Coordinator in Human Resources will contact the employee **within five business days**, to notify him/her of his/her FMLA eligibility. If the employee is eligible to apply for FMLA, they will be required to provide a medical certification, in accordance with the federal requirements.
- ✓ The medical certification must be completed by the treating medical provider and returned to the leave team **within 15 calendar days** (absent the initial filing of a lawsuit) (15 calendar days (absent the initial filing of a lawsuit))

FMLA Process Map



Employee Rights & Responsibilities

Prior to Leave

If the need for leave is foreseeable, the employee should apply for FMLA at least 30 days prior to the start date of the leave. The employee will submit a Family and Medical Leave Request Form and work with a Leave Coordinator to determine eligibility, provide a medical c

Employee FAQs

What is a 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 family member (unable to attend work or school) for more than three consecutive days and have ongoing medical treatment
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by your healthcare provider at least twice per year
- Pregnancy

Am I required to submit a medical certification?

Yes. University practice is for all employees to provide a complete and sufficient medical certification when requesting Family and Medical Leave.

Is my medical information confidential?

Yes. Medical information is highly confidential and is only shared between the employee and the Leave Coordinator. Employees are encouraged to keep their medical information confidential.

Is adoption covered under the FMLA? What kind of documentation does the employee need to provide?

Yes, adoption and foster care placement qualifies under the FMLA. Employees will need to provide one or more of the following documents to be approved for Family and Medical Leave: birth certificate, court documents, adoption agency documents and/or communication.

Is FMLA leave unpaid?

Family and Medical Leave is a form of unpaid, job-protected leave. The university requires employees to use his/her accrued sick and annual leave when s/he is on Family and Medical Leave. When the employee's sick leave exhausts, s/he is required to use his/her annual leave. After annual leave exhausts, the leave will be unpaid.

Who qualifies as a "family member" under the FMLA?

Family members include spouses, domestic partners, and partners in a civil union, children under the age of 18, and parents. The FMLA does not cover siblings, in-laws, grandparents, or cousins.

How do FMLA and Parental Leave work together?

FMLA and Parental Leave run concurrently. FMLA and Parental leave are tracked together, once the child has been born, adopted or placed in foster care. FMLA may start prior to Parental Leave if the employee has a medical condition that requires them to go out of leave (example: bed rest or pregnancy complications). The University's Parental Leave policy provides 6 months of unpaid leave.

Contacts and Resources

