

## FMLA FACT SHEET

Revised January 15, 2009

The leave that you have requested may be for an event that qualifies for leave under the Family and Medical Leave Act (FMLA). This FMLA Fact Sheet explains some of your rights, options, and obligations should you choose to take FMLA leave. If you have any questions about FMLA leave, or how to request FMLA leave, please contact your human resource field office.

### **What is FMLA?**

The Family and Medical Leave Act (FMLA) provides eligible employees with a limited amount of unpaid, job-protected leave when the employee has a qualifying event.

### **Who is Eligible?**

To be eligible for FMLA you must have a qualifying event and have been employed with the State for the last 12 months and worked at least 1,250 hours in the 12 months immediately preceding application for FMLA.

### **What is a Qualifying Event?**

Circumstances for which FMLA leave may be requested include:

- Birth of a child or care for a newborn child (480 hours maximum in a calendar year).

- Placement in your home of a child for adoption or foster care (480 hours maximum in a calendar year).

- Your own serious health condition (480 hours maximum in a calendar year).

- To care for your spouse, child, or parent with a serious health condition (480 hours maximum in a calendar year).

- Qualifying exigency- leave where a spouse, son, daughter, or parent of the employee is on active or ordered to be called to military duty in the Armed Forces in support of a contingency operation. (12 weeks maximum in a calendar year). Appropriate documentation is required.

- Service member Care Leave- An employee who is the spouse, son, daughter, parent, or next of kin of a covered (serious injury or illness as a result of active military service) service member. (26 weeks maximum in a 12 month period).

### **Do I get paid while on FMLA leave?**

FMLA leave is unpaid leave. Unless you choose to use your own accrued leave during the same period of your FMLA leave, you will be in an unpaid leave status.

### **Do I have to take FMLA leave?**

You may choose to take FMLA leave, but, generally, you do not have to.

### **What about my benefits?**

The State continues to pay its share of costs related to health care benefits during your period of FMLA leave. This includes health, dental, and life insurance. You must

continue to pay for your share of the costs for your health care benefits by contacting PEHP directly. For any period of unpaid FMLA leave, you must make your premium payments at the beginning of each pay period, or as arranged with PEHP.

**Do I have to use my own leave while on FMLA leave?**

You may choose to use your own accrued leave while using FMLA leave, but you are not required to do so. If you choose to use your own leave, it may, depending on the amount of leave you use, pay for your share of costs for your health care benefits and provide you with income during your period of FMLA leave. It remains your responsibility to complete your timesheet for each pay period you are on FMLA leave. Time entry must be appropriately coded to reflect the type of leave used.

**What if I need to be gone only part-time?**

FMLA leave may be used intermittently, or on a reduced work schedule, based upon a health care provider's certification. Intermittent leave may not be used for child birth or adoptive or foster care placement without the approval of your agency management.

**What about Returning to work?**

As in all cases of leave, you will be required to furnish management with periodic reports of your status and your intent to return to work. You are required to notify management at least two (2) work days prior to the date you intend to return to work. You may be required to submit a "fitness for duty" certification for a serious health condition before returning to work.

**What are my responsibilities?**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification and recertification supporting the need for leave.

**How do I apply for FMLA leave?**

Simply contact your human resource field office. You will need to complete an FMLA application, and your health care provider will need to complete a certification form. Once both completed forms are received by your human resource office, your request will be reviewed and you will be notified whether or not the use of FMLA is approved.

This FMLA Fact Sheet is intended only as an informational guide. It does not, nor is it intended to, provide a complete list of your rights, options, or obligations under the Family and Medical Leave Act or DHRM Rules. To make sure all of your questions have been answered, consult with your Human Resource Field Office before making any decisions regarding your use of Family and Medical leave.

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