

Family & Medical Leave Act

Caregiver Support Workshop Series



Please note:

- The following slides are intended to provide **general information regarding the FMLA** and are not intended to provide individualized or legal advice concerning particular circumstances.
- Specific information regarding the FMLA is available on the Department of Labor website <https://www.dol.gov/agencies/whd/fmla>

What is FMLA?

- **Federal law designed to provide unpaid, job-protected leave for specified family and medical reasons**
- May be taken all at once or intermittently as determined by an individual's physician
- Entitles an eligible employee to 12 workweeks of unpaid, protected leave in a 12-month period



FMLA Protection



What does it mean?

- Employers are prohibited from considering FMLA-qualifying absences when making decisions regarding hiring, promotions, or discipline.
- Employees should be treated equally during qualifying FMLA absences, receiving the same protections as if they were actively working.
- Employees returning to work from FMLA must be returned to same (or nearly identical) job.



Who is eligible?


All employees who have:

- Worked at UF for at least 12 months (need not be consecutive)

AND

- Physically worked at least 1,250 hours in the 12 months prior to the start of leave (paid leave and unpaid leave, including FMLA leave, are not counted toward the 1,250 hours)

When Can an Eligible Employee Use FMLA?

- For the birth of a son or daughter, and to bond with the newborn child;
 - For the placement with the employee of a child for adoption or foster care, and to bond with that child;
 - To care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition;
 - To take medical leave when the employee is unable to work because of a serious health condition; or
 - For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active-duty status as a member of the National Guard, Reserves, or Regular Armed Forces.
 - To care for a covered servicemember with a serious injury or illness.
- 

What is a Serious Health Condition?

The FMLA defines a serious health condition as an **illness, injury, impairment, or physical or mental condition** that involves either **inpatient care or continuing treatment** by a health care provider.


Both physical and mental health conditions qualify for FMLA leave. For more information about mental health conditions and the FMLA, specifically, see:

dol.gov/agencies/whd/fmla/mental-health.

Department of Labor Resource:

[Fact Sheet #28P: Taking Leave from Work When You or Your Family Member Has a Serious Health Condition under the FMLA](#)


FMLA Entitlement

- **Twelve workweeks during a 12-month period**
 - **Entitlement is based on FTE**
 - Full-time employees (1.0 FTE) have maximum entitlement of 480 hours
 - Part-time employees' entitlement depends on FTE—ex. .75 FTE equates to 30-hour workweek with maximum entitlement of 360 hours
 - **Important:** UF's FMLA entitlement period is based on a rolling calendar year
- 


Employee Role




Use of Entitlement – Employee Responsibility

- Provide employer with at least **30 days** advance notice, when practical
 - If FMLA leave is needed unexpectedly, inform employer **as soon as possible**
 - Submit a completed Certification of Healthcare Provider for Employee's/Family Member's Serious Health Condition to Central Leave
 - Indicate that leave is due to an FMLA-protected condition when notifying employer of absence (not necessary to tell the diagnosis or medical condition)
- 

Medical Certification

- **Medical Certification is required for FMLA** in the event of a serious health condition of the employee or immediate family member.
 - A certification must be provided within 15 days
 - Employee is not obligated to provide medical information to their supervisor or unit HR.
 - Employee medical forms should be submitted directly to UF Human Resources.
 - For assistance with forms, contact UFHR Central Leave by emailing central-leave@ufl.edu or calling (352) 392-2477.
- 

Use of FMLA Entitlement

- **FMLA is unpaid leave, however employees:**
 - May use sick or vacation time while on qualifying FMLA leave so that they continue to be paid.
 - May use Paid Family Leave for a continuous leave if eligible.
 - May supplement accrued leave with Leave Without Pay (LWOP), but must account for their entire FTE.
 - **Any leave designated as qualifying FMLA leave must be counted against FMLA entitlement.**
 - **When using approved FMLA-qualifying leave the employee may:**
 - Be completely absent (continuous leave).
 - Be absent from time to time and generally unplanned (sporadic leave).
 - Work a planned *reduced work schedule on an ongoing basis.
- 

*Reduced Work Schedules

Reduced work schedules related to FMLA must be:

- Approved by Department and Provost (if applicable to certain academic personnel).
- Supported by medical documentation.



Required Documentation

- **Certificate of Healthcare Provider form**
(Medical Certification)
Completed by the Health Care Provider
 - **Extended Leave of Absence Request Form**
Completed by UFHR Central Leave
 - **FMLA Designation Notice form**
Completed by UFHR Central Leave
- 

Employer Role



Supervisors/Employers Must:

- **Create and adhere to a consistent policy outlining the expectation for employees on leave to provide updates on their status and intentions to return.**
 - **Keep all FMLA-related information confidential.**
 - **Review and sign the appropriate forms for FMLA.**
 - *FMLA Designation Notice* to indicate leave approved as FMLA
 - *Extended Leave of Absence* form to indicate FMLA-eligible leave
 - **Approve leave for FMLA-qualifying events unless employee has exhausted FMLA entitlement for the year.**
 - **Keep accurate records of FMLA entitlement including:**
 - Designate the leave as FMLA-qualifying.
 - Confirm leave is entered as FMLA-qualifying event & enters correct time reporting code.
 - Track an employee's use of the 12-week entitlement.
- 

Supervisors/Employers **CANNOT**:

- **Require an employee to take more leave than is medically necessary or requested by employee.**
- **Require an employee to accept modified duties rather than take leave.**

Note: *Employees and supervisors should contact their HR satellite office or UF Central Leave if there are questions regarding FMLA designation or procedures.*

Additional Resources for FMLA Information

University Benefits:

Email: central-leave@ufl.edu

Phone: (352) 392-2477

Department of Labor (DOL) FMLA website:

<https://www.dol.gov/whd/fmla/>

DOL Employee Guide:

<https://www.dol.gov/whd/fmla/employeeguide.pdf>

