

Family Medical Leave Act (FMLA) Q & A

Question 1: What is Family Medical Leave Act (FMLA)?

Answer: The Family Medical Leave Act provides unpaid leave to eligible employees for up to 12 weeks during a 12 month period for a qualifying reason.

Question 2: What is a qualifying reason?

Answer: The following reasons qualify under FMLA:

- The birth or care of a newborn child
- Placement of a child for adoption or foster care and care for the newly placed child
- To care for a spouse, domestic partner, child, or parent with a “serious health condition”
- An employee’s own “serious health condition”

Question 3: Who is eligible for FMLA?

Answer: Faculty and staff who have been employed by the University for at least 12 months and have worked a minimum of 1,250 hours during the immediately preceding 12 months.

Question 4: Is FMLA a paid leave?

Answer: No FMLA is an unpaid leave. However, your PTO, Sick (for your own serious health condition only) and Vacation time will be used for the first 12 weeks of the leave or until it has been exhausted.

Question 5: What is a serious health condition?

Answer: A serious health condition is an injury, illness, impairment, or physical/mental condition that involves either inpatient care or a “period of incapacity” that includes “continuing treatment” by a healthcare provider.

Question 6: Are there different types of FMLA?

Answer: There are two types of Military Family Leave. One is called Qualifying Exigency Leave and the other is called Military Caregiver Leave.

Question 7: What is a Qualifying Exigency Leave?

Answer: This leave provides 12 weeks of leave to eligible employees who have a service/military member (a spouse, domestic partner, son, daughter, or parent) who is a current member of the Armed Forces, including the National Guard or Reserves, and who is on covered active duty deployed to a foreign country or who has been notified of an impending call to covered active duty involving deployment to a foreign country. The 12 weeks of qualifying exigency leave is not in addition to the regular 12 weeks of leave available for other FMLA purposes.

Question 8: What is a Military Caregiver Leave?

Answer: This leave provides eligible employees up to 26 weeks of unpaid leave once during a single 12-month period to care for a covered service member (either a current member of the Armed Forces or a military veteran who was released under conditions other than a dishonorable discharge) recovering from a “serious injury or illness” sustained or aggravated in the line of active duty. The single 12-month period for purposes of Caregiver Leave is measured from the date the employee first takes Military Caregiver Leave. Military Caregiver Leave may be taken within five years after the service member leaves the military under conditions other than a dishonorable discharge. Note: The 26 weeks is inclusive of the 12 weeks of leave already provided under regular FMLA or qualifying exigency leave.

Question 9: What if my spouse also works here, do we each get 12 weeks?

Answer: Each eligible employee is entitled to up to 12 weeks for their own serious health condition. However, if you and your spouse are both employed by the University, you are limited to a combined total of up to 12 weeks for the birth of a child, to care for the child after birth, for placement of a child with them for adoption or foster care or to care for the child after placement or to care for the employee's parent with a serious health condition.

Question 10: What if I am out on short-term disability or worker's compensation? Am I entitled to an additional 12 weeks of FMLA upon my return?

Answer: FMLA runs concurrently with any lost time under [short-term disability](#) or [worker's compensation](#). However, if you return to work prior to exhausting your FMLA entitlement, the remaining weeks can be used for qualifying FMLA reasons.

Question 11: I am out on an approved short-term disability for the birth of my child; do I have to apply for FMLA?

Answer: If you would like to take advantage of the full 12 weeks of FMLA after the birth of a child, and your short-term disability approval is for less than 12 weeks, you should apply for FMLA.

Question 12: If I am out on maternity or paternity leave can I take FMLA intermittently?

Answer: No, FMLA for maternity or paternity must be taken consecutively.

Question 13: Do I have to use my own time (Sick, PTO, Vacation) when on FMLA?

Answer: Yes, your PTO, Sick (for your own serious health condition only) and Vacation time will be used while you are on FMLA until your banks have been exhausted, or you return to work.

Question 14: What happens to my benefits when I'm on FMLA?

Answer: Your benefits will continue and premiums will be deducted from your paycheck. During an unpaid portion of FMLA, your deductions will go into arrears and you will be responsible for payment upon return to work.

Question 15: Does FMLA weeks have to be taken all at once?

Answer: Some FMLA leaves can be taken intermittently if approved by your physician.

- In consecutive full days/weeks
- Intermittently/periodically (hours/partial days)
- As a reduced work schedule

Question 16: How do I request FMLA?

Answer: You should complete the FMLA application which can be found online at: www.rochester.edu/working/hr/leave/fmla

Question 17: When should I apply for FMLA?

Answer: Requests should be made 30 days in advance or as soon as practicable.

Question 18: What documentation is needed to apply for FMLA?

Answer: Upon receipt of your request, Leave Administration will determine eligibility. If you are eligible, you will receive a medical certification form which must be completed by your physician. The Medical Certification form can be found online at <http://www.rochester.edu/working/hr/leave/>.

Question 19: Where do I send completed FMLA forms?

Answer: Forms can be faxed to 585-276-1361 or mailed to Leave Administration (Box 278955)

Question 20: **How do I know if I am approved for FMLA?**

Answer: Leave Administration will send a letter to your home.

Question 21: **What do I need to do when I am ready to return from FMLA?**

Answer: Provided there were no changes to your original request, you simply return to work on the expected date. Your supervisor should be tracking your time on leave and provide Leave Administration with a return to work notice.