

# FAMILY AND MEDICAL LEAVE ACT (FMLA) PROCEDURES

The Family Medical Leave Act provides up to twelve (12) weeks or 480 hours of unpaid Family Medical Leave, during a 12 month period of time, to qualified employees.

The employee should view the Family Medical Leave Policy and Procedures in entirety. University policy requires that employees use available accrued sick leave, annual leave, and/or compensatory leave, applicable to the request, prior to any leave without pay. The paid or unpaid leave usage shall fall within the guidelines of normal university leave policy for classified and unclassified employees.

During any period of leave without pay, the employee will be responsible for the employee portion of any insurance premiums. The university will continue the employer portion of the cost of insurance premiums during any Family Medical leave absence.

## Step 1: Download FMLA Packet

The designation of FMLA will occur either as a result of an employee's request for FMLA leave or when the supervisor becomes aware that the employee's absence qualifies as FMLA leave. The employee or the supervisor should download the FMLA packet of information which can be found at <http://www.ulm.edu/hr/benefits.html>.

The packet includes:

1. [Employee Rights Under the Family and Medical Leave Act](#)
2. FMLA Policy
3. FMLA Procedures
4. [Application for FMLA](#)
5. Fitness for Duty

## Step 2: Complete Application for FMLA

Employees requesting FMLA leave shall provide notice to the Department of Human Resources. The *Application for Family Medical Leave Act* is available for this purpose at ([www.ulm.edu/hr/forms.html](http://www.ulm.edu/hr/forms.html)) in the FMLA packet.

When the need for FMLA leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice either the same day or the next business day as outlined in the FMLA Policy.

## Step 3: Determine Eligibility

Employee must have worked for a Louisiana State Agency for 12 months or 52 weeks. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to begin. These hours must be actual work hours, not compensated hours. Therefore, hours using any type of paid time off benefits or holiday time do

not count. To qualify as FMLA leave, the employee must be taking leave for one of the reasons listed in the FMLA Policy.

Within five business days after the employee has provided the Application for FMLA, the Department of Human Resources will review the materials provided and determine employee's eligibility for coverage under FMLA. The employee will receive a Notice of Eligibility Form via US Mail indicating whether the employee is eligible or ineligible for FMLA leave.

#### **Step 4: Return FMLA Certification Form**

University policy requires that the physician certify the medical condition on the Certification of Health Care Provider form. This form should be completed by the physician and returned to the Department of Human Resources within 15 calendar days upon receipt of the Notice of Eligibility. Failure to do so may jeopardize FMLA eligibility.

❖ **Certification for the Employee's or Family Member's Serious Health Condition**

- Employee will complete Section II.
- Employee's health care provider (or family member's health care provider) will complete Section IV through Section IX.

❖ **Certification of Qualifying Exigency for Military Family Leave**

❖ **Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

Once the completed Certification Form is received, the Department of Human Resources mails the Designation Notice to the employee within 5 business days.

#### **Step 5: Employee's Return-to-Work**

As per the FMLA Policy, employees designated for FMLA for medical related conditions shall provide to the Department of Human Resources a fitness-for-duty certification (release to return to work) by his/her health care provider in order to be restored to employment.

Prior to returning to work, an employee who has taken FMLA due to their own serious health condition must provide a physician's certification indicating the employee is fit for duty based on the essential job duties. The employee should attach a copy of his/her job description for physician review for the release to duty. The physician's certification shall include any restrictions and the duration of the restrictions. If such certification is not received in a timely manner, the employee's return to work may be delayed until certification is provided.

The University may request recertification of an ongoing condition every six (6) months in conjunction with an absence as prescribed by the FMLA Policy. In accordance with HIPPA, Health Insurance Portability and Accountability Act, the Director of Human Resources may contact the health care professional but the direct supervisor may never contact the health care professional. **Employee medical records are maintained in confidential files in the Department of Human Resources.**

## **SUPERVISOR'S RESPONSIBILITY**

The designation of FMLA will occur either as a result of an employee's request for FMLA leave or when the department becomes aware that the employee's absence qualifies as FMLA leave. It is the supervisor's responsibility to designate any absence that meets the eligibility requirements of FMLA leave.

Throughout the duration of leave, whether intermittent or continuous, the supervisor must forward to the Department of Resources, copies of leave forms designated as FMLA for proper documentation of the employee's FMLA leave and leave balances. Failure to do so could result in erroneous FMLA leave use and may result in payroll fraud.