Family Medical Leave Act (FMLA)
The Office of Human Resource Services (HRS)
November 6, 2019
10:00 am to 12:00pm
Disclaimer

- The presentation is intended as general information only and does not carry the force of legal opinion.

- HRS is providing this information as an employee resource. This information and related materials are presented to give employees a better understanding of the FMLA process and procedures.

- We will make every effort to keep this information current and to correct errors brought to our attention.
Agenda

1. FMLA Defined
2. Eligibility
3. Time and Leave
4. FMLA Process Flow
5. ADA Information
What is FMLA?

1. Family Medical Leave Act (FMLA) allows an employee to take a paid or unpaid leave of absence for 12 workweeks during a 12 month period (Sept. 1 to Aug. 31)

2. Allows an employee to maintain his/her health benefits for 12 workweeks.

3. Ensures job for the period covered by FMLA
What does FMLA cover?

The birth and care of employee’s newborn child
Placement of child for adoption or foster care with employee (within the first 12 months of the adoption or placement)

Care for employee’s spouse, domestic partner, child, or parent with a serious health condition

Employee’s own serious health condition
- Certain needs connected with a family member’s call to active duty with the Armed forces; including a veteran with a serious injury or illness incurred in the line of duty on active duty
- Care of sick or injured family member who is a covered service member
What does FMLA not cover?

Ordinarily, unless complications arise:

- Common Cold
- Flu
- Ear aches
- Upset Stomach
- Non-migraine Headaches
- Routine dental or orthodontia problems
FMLA Types

- Intermittent Leave
- Continuous Leave
“Leave for illness granted under the University’s temporary disability leave policy which extends beyond five (5) workdays is presumed to be leave for a serious health condition, unless the employee proves otherwise, and will be counted as part of the annual FMLA entitlement, starting from the first day of leave.”
Eligibility Requirements

- Must have been employed by the University for at least 12 months cumulatively; not necessarily consecutive
- Must have worked 1250 hours in the 12 month period immediately preceding the start of leave
- Annual leave and sick leave does not count toward the 12 month calculation (only hours worked)
- Faculty must have worked the Spring and Fall semester
- Fellowship leave is not considered work time by the Department of Labor

Note:
Staff members reach 1250 hours as follows:
- If employee works 35 hours a week – 36 weeks
- If employee works 40 hours a week – 31.5 weeks
Time and Leave Usage

- CUNY requires an employee with their own serious health condition to use all accrued paid sick leave, annual leave or other paid leave, before taking unpaid FMLA leave.

- For other FMLA leaves, annual leave must be charged before an unpaid FMLA leave may be granted.
How does FMLA effect my service credit?

- An employee on paid FMLA does not break service for purposes of reappointments, tenure clock, permanency, etc. which require years of continuous service.

- Unpaid FMLA leaves serve as a bridge between prior and subsequent service.

- Unpaid non-FMLA leave breaks service.
Employee’s Responsibilities

- Provide HRS advanced notice (at least 30 days) of the need for leave
- Provide FMLA certification to support the need for leave
- If needed, provide periodic status reports to HRS
- If needed, provide fitness-for-duty certification to HRS
Employer Responsibilities

- Acknowledge receipt of FMLA forms
- Provide updates to department/manager
- Maintain group health insurance during period of FMLA up to 12 weeks
- Restore the employee to same or equivalent job and benefits
- Maintains confidential records
- If employee is off payroll, restore employee to payroll upon receipt of Fitness for Duty Certificate
FMLA Process Flow

1. Employee out for five (5) or more days
2. Employee contacts HRS for FMLA forms and advices Supervisor
3. Doctor completes FMLA certification
4. Employee returns FMLA forms to HRS
5. HRS acknowledges receipt and sends employee FMLA designation notice
6. Employee placed on leave and HRS notifies Supervisor
7. HRS confirms return to work with Supervisor
8. Employee off of payroll
   - NO
   - YES
9. HRS restores employee to payroll
10. Fitness for duty certification submitted to HRS
    - NO
    - YES
11. Employee submits additional medical documentation
12. If medical extension needed
    - NO
    - YES

Updated 2/10/2017
What is ADA?

The Americans with Disabilities Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.
To print out FMLA request forms visit: 
https://www.brooklyn.cuny.edu/web/about/offices/hr/time-and-leave/fmla.php

☑️ About FMLA: www.dol.gov/whd/fmla/
☑️ About ADA visit: www.ada.gov
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For more information …
Contact Information

**Time and Leave - 1219 Boylan Hall**

718-951-5377

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Thanks!

Any questions?