FAMILY and MEDICAL LEAVE ACT (FMLA)

Office of Human Resource Services (HRS)
September 30, 2015
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:

- FMLA Defined
- Eligibility
- Time and Leave
- FMLA Process Flow
- ADA Information
What is FMLA?

- 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)

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

- Ensures job for the period covered by FMLA leave
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

- Continuous
- Intermittent
- Reduced leave schedule (Instructional Staff Only)
CUNY 5-day rule

“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)

**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
Faculty must have worked the Spring and Fall semester

Fellowship leave is not considered work time by the Department of Labor
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.
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 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
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.
For more information...

- About FMLA: [www.dol.gov/whd/fmla/](http://www.dol.gov/whd/fmla/)
- About ADA visit: [www.ada.gov](http://www.ada.gov)
- To print out FMLA request forms visit: [http://www1.cuny.edu/sites/onboard/campus/brooklyn-college/](http://www1.cuny.edu/sites/onboard/campus/brooklyn-college/)
  
  Click on **3**: Your Benefits

  Click on: **Family Medical Leave Act (FMLA) Policy and Forms**
Contact Information

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