

# Family Medical Leave Act Frequently Asked Questions

## General

*Q. What types of University employees are eligible for FMLA leave?*

A. All employees (faculty, professional, administrative) who meet the following requirements are eligible:

1. Has been employed by the University for at least 12 months (need not be consecutive) and;
2. Has worked at least 1,250 hours during the 12-month period immediately preceding the start of the FMLA leave.

*Q. Does the time taken off for vacation, sick leave, holidays or unpaid hours count toward the requirement to have worked at least 1,250 hours preceding the FMLA leave start date?*

A. No, paid and unpaid absences or leave are not counted toward the 1,250 work hour requirement. Only those hours actually worked are counted.

*Q. I would rather not apply for FMLA leave now and instead save it for a later time when I may really need it. Is this allowable?*

A. No, if you are an eligible employee, and you are taking leave for a FMLA leave qualifying reason, then you must take FMLA for the current leave request. Leave can be designated as FMLA even if paperwork is not turned in to Human Resources. If you need additional leave at a later date, your eligibility and FMLA leave balance will be reviewed at that time. If your FMLA leave entitlement is exhausted, please contact Kira Poulson, Hill Hall, and Room 341 Human Resources to discuss if other leave options are available.

## Leave Entitlements and Qualifying Reasons

*Q: Am I supposed to use FMLA leave every time I don't feel well enough to work?*

A. No, unless complications arise, the common cold or flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, are not serious health conditions for purposes of FMLA leave.

*Q: I sometimes need to take unscheduled time off work for a few minutes or a few hours at a time because of a medical condition. Should I be using FMLA leave?*

A. Maybe, the definition of a serious health condition includes medical conditions which may only require you to take leave on an intermittent basis, such as a chronic health condition, which may be episodic rather than scheduled or foreseeable.

*Q: Do I have to use FMLA leave if I am incapacitated three or more days?*

A. Maybe, if the reason for the absence is a qualifying FMLA reason, such as a serious health condition, then you will need to apply for FMLA leave. If you don't request, your absence may later be counted towards any future FMLA entitlement leave.

## Certification

*Q. Is the information on my health care certification form confidential?*

A. Yes, all FMLA leave forms will be kept in the Human Resources office; however all medical certifications or related FMLA leave documentation will be maintained as confidential medical records in separate files, apart from employee personnel files.

*Q. I was approved for intermittent FMLA leave for my own serious medical condition. Do I have to provide a doctor's note each time I am going to be out due to my illness?*

A. No, if your intermittent absences are consistent with the FMLA leave certification forms you submitted to Kira Poulson in Human Resources, then all absences for the same FMLA qualifying leave reason are considered a single leave reason and wouldn't require a note each time you are absent. However, you are expected to meet the normal absence notification procedures (call-in procedures).

## Time Reporting, Pay and Benefits Questions

*Q. Why do I report FMLA leave if I have enough sick or vacation to cover my absence?*

A. The Federal Family and Medical Leave Act and the University policy require that leave qualifying under FMLA to be reported and tracked as FMLA Leave regardless of the source of compensation.

*Q. What happens to my benefits while I am on FMLA leave?*

A. While on a paid FMLA leave, the University will continue to make payroll deductions to collect an employee's share of group insurance premiums.

While on an unpaid FMLA leave, an employee may choose to retain or to terminate any or all of his or her current group insurance coverage (e.g., medical, dental, vision, life insurance, short-term disability insurance). If the employee elects to retain coverage, then he or she must continue to pay the employee portion of the applicable premium(s), either in person or by mail as required by University procedures.

*Q. I am receiving workers' compensation. Do I still request and report FMLA leave?*

A. Yes, if the reason for your absence/leave qualifies for FMLA leave, such as for your own serious health condition, then you will follow the FMLA leave procedures if you have not exhausted all of your FMLA leave entitlement. FMLA runs concurrently with any workers' compensation payments and with use of any applicable paid or unpaid time.

If you are receiving workers' compensation payments, you may elect to be unpaid or use paid time benefits (e.g., sick time, vacation time, compensatory time) to supplement such payments, as long as the total of such payments does not exceed your gross earnings.

## Return to work

*Q. Must an employee provide a doctor's note prior to returning to work from a FMLA leave?*

A. Yes, if the FMLA leave was due to an employee's own serious health condition and Human Resources indicated on the Designation Notice that a Fitness-for-Duty certification was required in the Designation Notice, then the employee must provide such certification from his or her health care provider on or before the date the employee is scheduled to return to work.

*Q. What happens if I exhaust all FMLA leave and I am still unable to return to work?*

A. Although you may have available sick and vacation time, you will inform Kira Poulson in Human Resources of your inability to return to work at the end of your FMLA leave entitlement. At that time, it will be necessary to provide the University of Wyoming Human Resources more information in order to grant further leave. It is mandatory that you provide written assurance from your health care provider as to the date you can be expected to return to work with any applicable restrictions. You may apply for other non-FMLA leaves, however approval of other non-FMLA leave is at the discretion of your department. You may contact Kira Poulson, Hill Hall, Room 341, in Human Resources to discuss if other leave options are possible.

An employee who requires reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) (as amended), including any extension of leave following an FMLA leave, should make a request for reasonable accommodation through the University's Human Resources Department as soon as he or she believes that such an accommodation may be required.