
“Family and Medical Leave Act” of 1993

Prepared by the UAMS, Office of Human Resources

The Family and Medical Leave Act of 1993 ("FMLA") is a federal law that became effective on August 5, 1993. FMLA is intended to promote a healthy balance between work and family responsibilities.

Eligible employees may take up to 12 workweeks of unpaid leave per year for the birth, placement of a child into foster care or adoption; to care for a family member; for the employee's own serious illness; or an illness, injury, or financial exigency related to military service.

Below are typical questions about FMLA. If you have additional questions, please talk to your supervisor/manager or call the Office of Human Resources at 501-686-5650.

Am I "eligible" to take leave under FMLA?

To be eligible, you must have been employed for the State of Arkansas for at least twelve (12) months. In addition, you must have worked at least 1250 actual hours (excluding vacation, sick, holiday hours) in the 12-month period prior to the start of your FMLA absence from work. Accordingly, if you have one year of service at UAMS and worked 25 hours or more each week during the entire prior year, you are eligible for FMLA leave.

- “Military leave” of absences from work **will** count as actual hours worked.
- U-Temps and PRN hours **will** count as actual hours worked.

Under what circumstances may I be granted FMLA leave?

You are entitled to FMLA leave for the birth of a child and to care for your newborn; for the placement of a child into foster care or adoption; to care for a seriously ill parent, spouse or child; your own serious health condition; and an illness, injury, or financial exigency related to military service that causes you to be unable to work.

If I adopt a child or become a foster parent can I take FMLA leave?

Yes, employees may use FMLA for adoption or the placement of a child into foster care. **Vacation** time must be used unless the child has a serious health condition. If the adopted/foster child is ill, sick leave can be used for the care of the child. Proper documentation is required to support usage of sick leave.

What is a serious health condition?

Inpatient care at a hospital or other medical facility, or continuing treatment by a health care provider that includes one or more of the following:

- A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or related period of incapacity relating to the same condition;
 - Any treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider;
 - Any period of incapacity due to pregnancy or for prenatal care;
 - Any period of incapacity or treatment due to a chronic serious health condition;
 - Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
 - Any period of absence due to multiple treatments (including any period of recovery from the treatments) for restorative surgery after an accident or other injury, or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.
- *FMLA Regulations Ref: 825.113 – 825.115*

How much FMLA leave am I entitled to?

Eligible employees are entitled to receive up to 12 workweeks of leave during a 12-month period. FMLA runs concurrently with any paid leave. This includes workers' compensation, short term disability, sick, vacation, and holiday leave. When all accrued leave time has exhausted, FMLA becomes unpaid leave time.

Are “fathers” entitled to FMLA leave for the birth of their child?

Yes! New fathers can take up to 12 workweeks of FMLA for the actual birth of their child. UAMS' current practice is: one week sick leave if the birth is “normal”, without complications; two weeks sick leave if the birth is a c-section. The father must use vacation leave or be placed on LWOP for additional time off up to 12-weeks. Documentation must be submitted to support usage of additional sick leave due to complications.

- If the father is not married to the mother, he is not eligible to take leave related to the pregnancy or to care for the mother following the birth of his child.

My husband and I both work at UAMS. How much FMLA leave may we take for the birth of our child?

During any 12-month period you may both take a **combined total of 12 workweeks** for the birth of a child. To care for a parent, spouse, or child who is seriously ill, or for your own serious illness; you are each entitled up to 12 workweeks *individually*.

Doesn't UAMS have a policy where I can ask for up to six months' leave of absence without pay?

Yes, see Admin Guide policy 4.6.08, Leave of Absence without Pay.

Does FMLA leave have to be taken all at once, or can it be taken in increments?

FMLA leave can be taken "intermittently" when "medically necessary." When possible, you must try to schedule this leave in a manner that is least disruptive to the department.

Is FMLA leave paid or unpaid?

Yes it is paid leave, **when you have leave accrual available**. Your paid leave time will run concurrently with your FMLA leave. When your leave balance exhausts, the remainder of your FMLA leave will be without pay. Sick leave can only be used for your illness or doctor's appointments, or for the serious illness of an immediate family member.

How much notice do I give for an FMLA leave of absence?

When the necessity for leave is foreseeable, due to the expected birth or placement of a child, or planned medical treatment, you must provide at least 30 days' notice. In cases where you cannot provide 30 days' advance notice, such as a premature birth or a medical emergency, you must give notice as soon as practical, usually within five (5) days. A family member **may** provide notice if you are unable to do so due to your medical emergency.

Do I have to provide a doctor's statement?

Yes, your supervisor will ask that you provide medical certification (Health Care Provider Form) at the time you request leave. You are allowed 15 calendar days to return the Healthcare Provider Form.

What happens to my medical insurance while I'm on leave?

You may continue your medical and other insurance while you are on FMLA leave by continuing to pay your portion of the premiums. UAMS will likewise continue to pay its share of the premiums during this time. Contact the Office of Human Resources, Employee Services at 501-686-5650 to discuss your needs and make arrangements to continue your insurance, when you are on leave of absence without pay (LWOP).

What happens to my other employment benefits while I'm on FMLA leave?

No employment benefits, that accrued before the date leave began, can be lost. Hire dates, review months and retirement vesting dates will remain the same as before going on leave of absence.

What happens when my leave ends and I am ready to return to work?

You will return to your job with the same pay, shift, responsibilities, benefits and work hours. During the time you are on leave, your department may need to fill your position on a temporary basis, or restructure the work. This is why it is important for you provide as much advance notice as possible to your department when you are ready to return to work.

Am I required to provide my supervisor with a note from my doctor when I return to work?

Yes, following an extended leave, a "fitness for duty" statement **is** required prior to your return to full duty. If you are taking leave intermittently, a "fitness for duty" statement is **not** required unless abuse of sick leave is suspected.

If I miss work because of my serious health condition, do I have to call-in to my department for the day?

If your absence is "intermittent" yes, you **are** required to call-in for each absence and identify the absence as FMLA; however, if you are on "continuous" FMLA leave, you do not have to call in daily.

Where can I get the Health Care Provider Form?

Please request the forms from your supervisor/manager, or your service line HR Manager. Also, all essential forms, used during this process are available online at www.hr.uams.edu/forms/manager

Please review the **FMLA Administrative Guide Policy 4.6.11**, in My Compass, by going to www.hr.uams.edu.

For further information on the FMLA process, you can access "**Initiating the FMLA Process**" by going to www.hr.uams.edu/managers.