

UW Family and Medical Leave Act Information Summary (For Staff and Librarians)

The UW provides this information summary **for employees who have requested or are taking leave that could be covered by the federal Family and Medical Leave Act (FMLA)**. The summary provides additional information that is unique to Washington State, UW employment, or that you should otherwise know about. The federal poster “Employee Rights and Responsibilities Under the Family and Medical Leave Act” summarizes employee and employer rights and responsibilities under the FMLA and is attached at the end of this document. You can also download the poster at: <http://tinyurl.com/FMLA-notice>.

Use of Paid and Unpaid Leave

The FMLA allows eligible employees to take job protected leave from work for the reasons and the amount of time described on the FMLA poster. While the FMLA provides for unpaid time off, depending on the reason you need to take leave, your employment program or collective bargaining agreement, and your leave balances, you may have paid time off that you can use during your FMLA leave including: vacation time, sick time, compensatory time, discretionary leave, personal holiday, and/or shared leave that has been donated by other employees. Paid leave, if taken, is counted as part of your FMLA leave entitlement. Follow your department’s leave request procedures to request to use paid leave as part of your FMLA-covered leave.

In Washington State, leave to care for a newborn child is in addition to any leave the birth mother may need for sickness or temporary disability because of pregnancy or childbirth.

Certification of Leave

You are required to provide certification from a health care provider to support the need for leave due to your own serious health condition or to care for a family member with a serious health condition. If certification is requested, you will need to arrange for completion of a Family and Medical Leave Certification of Health Care Provider Statement, and return it to the Human Resources Office serving your unit within 15 days. Failure to do this may delay approval of your leave request, and your absence may be considered unauthorized. The University may also ask you to provide periodic updates regarding your ability to return to work, and the University may require a second medical opinion at its expense. For leave related to a family member’s active duty in the armed services, certification of the family member’s military orders or status, or the reason for the leave may be required.

Health Insurance Coverage

During periods of leave covered by the FMLA, the University will continue to pay for the employer portion of health insurance premiums. If you will be on a **leave without pay that extends beyond a month**, or if you will need to significantly reduce your hours, contact the Benefits Office at (206) 543-4444, or at benefits@uw.edu, to arrange to pay your portion of the health insurance premiums while you are on leave.

You have a minimum 30-days grace period in which to make premium payments. If you do not make timely payment, your group health insurance may be cancelled. Before cancelling your insurance, we must either notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

Return to Work

Upon returning to work from a health-related leave, you may be required to provide certification from a health care provider that you are fit to return to work. Contact your manager as soon as you know your expected return to work date.

If you do not return to work following an FMLA leave for a reason other than: the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control, you may be required to reimburse the UW for the employer's share of health insurance premiums paid on your behalf during your FMLA leave.

Additional Resources

- FMLA at UW: <https://hr.uw.edu/ops/leaves/fmla/overview/>
- Definitions of terms used in the FMLA: <http://tinyurl.com/FMLA-definitions>

If you have any questions about this information, please consult the following resources:

Office Listings	Office Contact Information
Campus Human Resources Operations	hrleaves@uw.edu 206-543-2354
Claim Services (<i>for on-the-job illness or injury</i>)	claims@uw.edu 206-543-0183
UW Benefits Office	benefits@uw.edu 206-543-4444
Disability Services Office	dso@uw.edu 206-543-6450
Disability Services Office TTY	206-543-6452

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

