

FMLA



- Family and Medical Leave Act:

Employees who meet certain service requirements are entitled, through the federal Family and Medical Leave Act (FMLA), to take leave of up to 12 weeks per year for serious personal or family health conditions. This leave can also be used for the arrival of a new child by birth, adoption, or foster placement.

Eligibility

- Employee has completed a minimum of one year of State Service (months do not need to be consecutive)
- Employee has at least 1250 working hours for the employer during the 12-month period before the leave begins. (These months are consecutive.)
- Employee works at a work site that employs at least 50 employees at or within a 75-mile radius of that work site.
- Absence due to a serious health condition of the employee, the child, parent, or spouse of the employee. (The College requires a leave request only if the employee will be absent 10 days or greater.)

Serious Health Condition

- An illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Child or Parent

- Child - a newborn, a child 18 and under, a child 18 and over unable to care for self due to disability, foster children, wards of the state, stepchildren.
- Parent - biological or legal guardian since childhood.

Medical Documentation



- Satisfactory medical documentation must accompany all requests for FMLA leave. Acceptable documentation should include prognosis, diagnosis start date of the illness, and anticipated return to work date. The employee should ask their health care provider to complete the Certification of Health Care Provider.
(<http://www.brockport.edu/hr/forms/documents/WH-380-E.pdf>)

What to do?

Notify Human Resources of possible qualifying leave

Instruct employee to submit:

Employee Leave Request form

Completed Certification of Health Care Provider for
Employee's or Family Member's Serious Health
Conditions

*Forms are located on our Leaves website at
<http://www.brockport.edu/hr/leaves>

What to do?

- Department completes Appointment Status Change Recommendation Form
 - Route all paperwork through chain of command for approval*
- * Supervisors are obligated to maintain confidentiality regarding medical documentation. Employee may opt to submit medical documentation directly to HR.



Returning to Work

Employees must submit a Return To Work Authorization Form to their supervisors indicating that they are medically authorized to return to work after being out on leave for a serious health condition

The supervisor should e-mail, call, or fax the Office of Human Resources indicating when the employee is returning to work.

The supervisor must complete an *Appointment Status Change Recommendation Form* returning the employee from leave on the date the employee returns to work and route the form to Human Resources.



NDAA

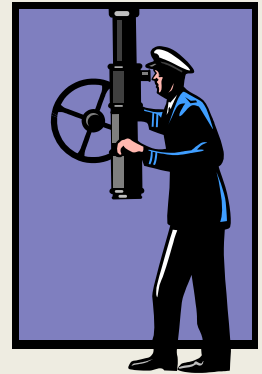
- National Defense Authorization Act section 585 of the NDAA [amends the Family and Medical Leave Act](#) to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

NDAA

- NDAA also permits an employee to take FMLA leave for "any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

Qualifying Exigency

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities not encompassed in the other categories, but agreed to by the employer and employee



What to do?

- Notify Human Resources of possible qualifying leave
- Instruct employee to submit a Leave Request form
- Employees requesting leave under this section should complete and submit the Certification for Serious Injury of Illness of Covered Servicemember for Military Family Leave, or Certification of Qualifying Exigency for Military Family Leave, as applicable.

What to do?

- Department completes Appointment form
- Route all paperwork through chain of command for approval*

* Supervisors are obligated to maintain confidentiality regarding medical documentation. Employee may opt to submit this directly to HR.

Returning to Work

The supervisor should e-mail, call, or fax the Office of Human Resources indicating when the employee is returning to work.

The supervisor must complete an *Appointment Form* returning the employee from leave on the date the employee returns to work and route the form to Human Resources.



Other Leaves

The College offers many leave benefits to eligible employees. These are not mutually exclusive of FMLA and NDAA. Some of these leaves are:

1. Maternity/Child Rearing/Adoption Leave
2. Additional Sick
3. Sick Leave
4. Title F Leave

Need more info?

Visit: <http://www.brockport.edu/hr/leaves>

Call:

Christa Aldrich x 5938 (faculty and professional employee leaves)

Serena Starr x 2995 (classified employee leaves)