

# Family Medical Leave Act (FMLA)

The Office of Human Resource Services (HRS)

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November 6, 2019

10:00 am to 12:00pm

# Disclaimer

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- 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

1. FMLA Defined
2. Eligibility
3. Time and Leave
4. FMLA Process Flow
5. ADA Information

# What is FMLA?

**1**

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)

**2**

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

**3**

Ensures job for the period covered by FMLA

# 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?

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Ordinarily, unless complications arise

- Common Cold
- Flu
- Ear aches
- Upset Stomach
- Non-migraine Headaches
- Routine dental or orthodontia problems



# FMLA Types

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➤ Intermittent Leave

➤ Continuous Leave



## 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)
- Faculty must have worked the Spring and Fall semester
- Fellowship leave is not considered work time by the Department of Labor



**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*

# Time and Leave Usage

- 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.

# How does FMLA effect my service credit?

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- 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's 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

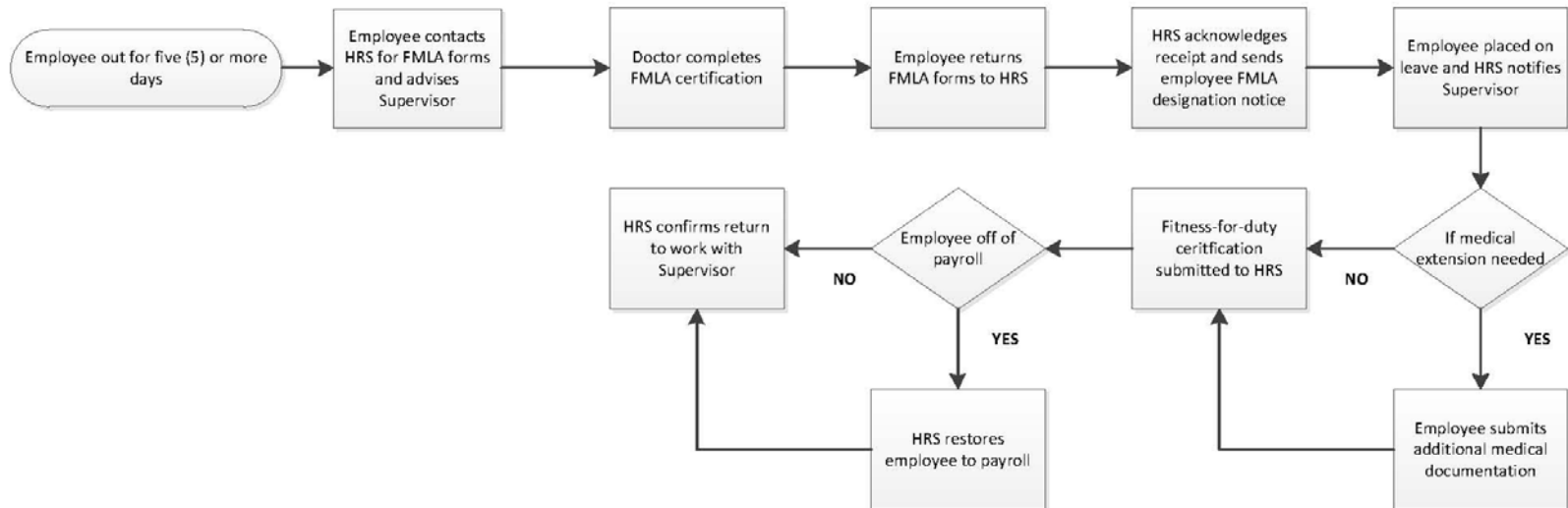


Maintains confidential  
records



If employee is off  
payroll, restore  
employee to payroll  
upon receipt of Fitness  
for Duty Certificate

# FMLA Process Flow



# What is ADA?

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- 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

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- ✓ 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:  
<https://www.brooklyn.cuny.edu/web/about/offices/hr/time-and-leave/fmla.php>



# Contact Information

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# Thanks!

Any questions?

