


Family Medical Leave Act  
(FMLA)



# Agenda

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  - What is FMLA used for?
  - Who is eligible for FMLA?
  - How long is FMLA for?
  - How to apply for FMLA
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What is the Family  
Medical Leave Act?





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.

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.

Under FMLA your group health plan coverage will remain active.

You will 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.

# The CUNY FMLA Policy

- Under the CUNY FMLA policy, the designated leave year is, September 1st through August 31st.
- Under the CUNY FMLA policy, an employee's leave of absence may be either paid or unpaid. Before unpaid FMLA leave may be authorized, the employee will be required to exhaust any appropriate accrued paid leave, including paid parental leave.
- Leave for illness granted under the University's temporary disability leave policy (Article 16) 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.
- While on paid/unpaid leave, CUNY will maintain group health benefits in the same manner as prior to leave.



# What is FMLA used for?

Qualifying family and medical reasons



# Qualifying Family and Medical Reasons

- The birth, adoption or foster placement of a child with you (within the first 12 months).
- Employee's serious mental or physical health condition that makes you unable to work.
- To care for your spouse, domestic partner, child or parent with a serious mental or physical health condition.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.
- Circumstances relating to the fact that an employee's spouse, son, daughter, or parent is on, or has been called to, active duty in a regular component of the Armed Forces deployed to a foreign country or to active duty in the National Guard or Reserve branches of the Armed Forces deployed for a foreign country under a Federal call or order in support of a contingency operation;
- Employee who is caring for a spouse, son, daughter, parent, or next of kin who is a seriously injured or ill service member, or a veteran service member if the veteran had been an active member of the Armed Forces (including the National Guard or Reserves) at any time during a five-year period prior to medical treatment, recuperation, or therapy.



# Who is eligible to take FMLA?

Eligibility Requirements



# FMLA Eligibility Requirements

- You work for a **covered employer** and
- Your employer has at least 50 employees within 75 miles of your work location.

## **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.

## **At CUNY the main requirements to focus on are:**

- The employee has worked for their employer at least 12 months and
- The employee has at least 1,250 hours of service during the 12 months before the start of leave or leave request.
- Any employee with a 35-hour basic workweek, as well as full-time faculty, will have met the 1250 hour threshold by being continuously on the payroll without an unpaid break in service, for 36 weeks of the 52 weeks preceding the requested leave. For employees with a 40-hour basic workweek, that minimum is 31.5 weeks.



# How long is FMLA for?

Leave Allotment

# FMLA - Allotment of Time

- The FMLA policy provides eligible employees with up to 12 weeks (60 work days) of leave during the designated leave year, i.e., September 1st through August 31st.
- FMLA can also provide 26 weeks of leave during a single 12-month period for a spouse, son, daughter or parent or next of kin to care for a member of the Armed Forces (including the National Guard or Reserves) or veteran who has a serious injury or illness.
- If the employee takes leave to care for a family member or for his/her own illness, he/she may take the time on an intermittent or reduced-time basis, but only if the medical condition necessitates this type of schedule.
- Under CUNY FMLA Policy, leave taken for a newborn, adopted or foster child as described herein must be taken all at once.



# How do I apply for FMLA?

Employer & Employee Responsibilities



# FMLA Employer & Employee Responsibilities

Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave,
- The employee or their supervisor needs to 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.
- The FMLA Certification of Health Care Provider form is due back within 15 calendar days.

- FMLA forms should be sent to the employee within five (5) business days from the date of notice.
- Forms:
  - FMLA Notice of Eligibility of Rights and Responsibilities
  - FMLA Request form
  - FMLA Certification of Health Care Provider (5)

Going out for your own serious medical condition:

FMLA Fitness for Duty Form

If going out to care for a family member:

FMLA Certification of Family Relationship Form

- A Designation Notice is sent to the employee within five(5) business days after receiving the FMLA Certification.



Thank you

**Resources:**

<https://www.dol.gov/agencies/whd/posters/fmla>

<https://www.cuny.edu/about/administration/offices/hr/benefits/family-medical-leave-act/>

<https://psc-cuny.org/contract/article-16-temporary-disability-and-parental-leave/>