Family Medical Leave Act
What is FML?

- Federal law that allows eligible employees to take up to 12 weeks of job-protected leave for certain qualified family and medical reasons.
- Requires that the employee is restored to the same or equivalent job upon returning from FML.
- Ensures that health insurance coverage continues during the leave under the same terms and conditions as if the leave had not been taken.
- Leave can be taken continuously, intermittently or with a reduced work schedule.
Qualifying Reasons for FML

- For the birth and care of a newborn child
- For the placement and care of a child following adoption or foster care assignment
- For an employee’s own serious health condition
- To care for your spouse, child, or parent who has a serious health condition
- For a qualifying exigency, because your spouse, child, or parent is a military member on covered active duty
- To care for a service member with a serious injury or illness if the service member is a spouse, child, parent, or next of kin (allows for up to 26 weeks of FML)

Who is Eligible for FML?

All paid employees who:

- Have been employed by the University for at least 12 months

  **AND**

- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave

*Includes student workers and graduate assistants/associates*
Is FML a Paid Leave?

• No, under the FML regulations, FML is technically an unpaid leave.

• However, it runs concurrently with the use of an employee’s accrued time (sick, vacation, compensatory time, paid parental leave or compassionate transfer leave).

• Employees on FML must use their accrued time but can choose which accruals to use.
FML Process

Contact the Division of Human Resources
HR Leave Advisors can assist with determining eligibility and completing the required forms.

Main Campus
• Mike Krebbs, Souky Coneway

Health Sciences - Tucson
• Andres Gabaldon, designated leave coordinator/business office

Health Sciences - Phoenix
• Michelle Wilson

https://hr.arizona.edu/employees-affiliates/leaves
FML Forms

FML Employee Request Form
Employee completes to request FML 30 days ahead of the leave (if possible).

Notice of Eligibility and Rights & Responsibilities Form
Employer completes within 5 business days of employee’s request. Notifies employee of FML eligibility and their rights and responsibilities during FML. Also indicates to employee if certification is required.

Certification Form
Completed by employee within 15 business days of receiving the request (if applicable).

Designation Notice Form
Completed by employer within 5 business days of receiving certification. Designate employee on FML and requests return to work documentation from physician for employee’s own serious health condition.
Forms can be found on the HR website:  [https://hr.arizona.edu/forms](https://hr.arizona.edu/forms) (Leave of Absence Forms)

<table>
<thead>
<tr>
<th>Form Description</th>
<th>Format</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMLA: Certification for Serious Injury or Illness of a Current Servicemember</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Certification of Health Care Provider for Employee’s Serious Health Condition</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Certification of Health Care Provider for Family Member’s Serious Health Condition</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Certification of Qualifying Exigency for Military Family Leave</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Designation Notice</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Employee Request for Family and Medical Leave</td>
<td>PDF</td>
</tr>
<tr>
<td>FMLA: Notice of Eligibility and Rights &amp; Responsibilities</td>
<td>PDF</td>
</tr>
</tbody>
</table>
Once the employee is on FML

- Send all completed forms to the Division of HR.
- Ensure time sheets are completed.
- Be aware of the end date of the leave.
What happens if FML is exhausted and the employee is unable to return to work?

- Contact a Division of HR Leave Advisor
- The unit may agree to additional time off
- Employee can be referred to the Disability Resource Center

DRC will determine if a serious health condition is considered a disability under the ADA. Employees with disabilities are eligible to request reasonable accommodations, such as additional time off, adjustments to duties or work arrangements.
Top FML Questions
Can you contact an employee who is out on FML?

Yes, it is important to stay in touch with the employee about their anticipated return date.

However, do not ask them to do work while on FML.
Is FML required for a qualifying absence or can an employee elect to not request FML?

FML is required if the absence is for a qualifying reason.

Department of Labor Opinion Letter (March, 2019)
“Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, neither the employee nor the employer may decline FMLA protection for that leave.”

Can an employee change their benefits elections when they go on FML?

It depends on whether the employee is receiving pay or not.

Employees on an unpaid leave can elect to drop coverage and will have the opportunity to re-instate them upon return. They will be billed during the leave.

Employees receiving pay during the leave will continue with already elected benefits and premiums will be deducted from their paycheck.
Are there different time reporting codes for when an employee is on FML?

Yes, both exempt and non-exempt employees should enter FML time during their leave regardless if the time is paid or unpaid.

https://hr.arizona.edu/employees-affiliates/leaves/family-and-medical-leave/frequently-asked-questions-about-family-medical-leave

OR

https://financialservices.arizona.edu/payroll/departments/trc
Resources

Division of Human Resources
• Leave advisors
• Sr. HR Partners
• HR Website

Department of Labor
• FMLA Fact Sheets - https://www.dol.gov/agencies/whd/fmla/factsheets
Thank You!

Questions