



**POLICY**

Issued: 08/18/1993  
 Revised: 02/01/2015  
 Edited: 01/22/2021

In accordance with federal law, the university provides job protected Family and Medical Leave (FML) to eligible employees for up to 12 workweeks (480 hours) of leave during a 12 month period based on qualifying events. Eligible employees that care for covered servicemembers are eligible for up to 26 workweeks of leave in a single 12 month period. To the extent the policy is silent on a matter, federal law will prevail.

**Purpose of the Policy**

To ensure compliance with the Family and Medical Leave Act (FMLA) and consistent application to all university employees.

**Definitions**

| Term                                                | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Covered active duty                                 | In the case of a member of a regular component (not National Guard or Reserves) of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (not a state call) under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code. This is only applicable in cases of exigency. |
| Covered servicemember                               | 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; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.                                                                                                                                                       |
| Covered veteran                                     | An individual who was a member of Armed Forces (including a member of the National Guard or Reserves) and discharged or released under conditions other than dishonorable at any time during the period of five years preceding the first date the eligible employee requests to take FML leave to care for the covered veteran.                                                                                                                                                                                                                       |
| Eligible employee to care for covered servicemember | Immediate family member or next of kin of a covered servicemember who meets all eligibility criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Next of kin                                         | As defined in 29 Code of Federal Regulations (CFR) 825.122.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Equivalent position                                 | A position with the same pay, benefits and working conditions, and the same or similar responsibilities and duties, requiring substantially equivalent skill, effort, responsibility, and authority.                                                                                                                                                                                                                                                                                                                                                   |
| Employee                                            | Faculty, staff, graduate associates, and student employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Health care providers                               | Licensed by the state to deliver health care services to certify FML. Health care providers may be a doctor of medicine or osteopathy, dentist, clinical psychologist, social worker, physician assistant, optometrist, podiatrist, chiropractor, nurse practitioner, nurse mid-wife, or Christian Science practitioner who certify FML within the scope of their practice.                                                                                                                                                                            |
| Immediate family member                             | Any one of the following:<br>1. Spouse or domestic partner;<br>2. Biological, adoptive, step-, or foster parent;<br>3. Individual who stood <b>in loco parentis</b> to an employee when the employee was a child; or<br>4. Biological, adopted, step-, or foster child; a legal ward; or a child of a person standing in loco parentis to the child who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.                                                                    |



| <b>Term</b>                                                                  | <b>Definition</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| In loco parentis                                                             | A relationship in which a person has put him or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child with whom he or she may have no legal or biological relationship.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Intermittent and reduced schedule leave                                      | Leave taken in nonconsecutive blocks of time rather than for one continuous period of time, which may include leave periods from a tenth of an hour or more to several weeks. Reduced schedule leave is a reduction in the usual number of working hours per day or week for a period of time for reasons relating to FML.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Leave                                                                        | Paid or unpaid time used while employee uses FML.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Office of Human Resource (OHR) leave administrator/designee                  | Employees designated to administer FML in the Office of Human Resources and their designees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Parent of a covered servicemember                                            | An employee who is the biological, adoptive, step-, or foster father or mother; or her/his domestic partner; or any other individual who stood in loco parentis to a covered servicemember. This term does not include parents-in-law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Serious health condition                                                     | An illness, injury, impairment, or physical/mental condition that meets any one of the following: <ol style="list-style-type: none"> <li>1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.</li> <li>2. Continuing treatment by a health care provider. Continuing treatment consists of a period of incapacity for more than three full consecutive days and also involves treatment two or more times within a 30 day period by a health care provider, absent extenuating circumstances or treatment at least once by a health care provider which results in a regimen of continuing treatment. An eligible employee must have an in-person visit to the health care provider within seven days of the first day of incapacity.</li> <li>3. Periods of incapacity due to pregnancy and childbirth, including prenatal care.</li> <li>4. Chronic conditions which require visits for treatment by a health care provider at least twice a year; continues over an extended period of time (including recurring episodes of a condition); and may cause episodic periods of incapacity (e.g. diabetes, epilepsy), permanent/long-term conditions (e.g. Alzheimer's, terminal cancer) or multiple treatments (e.g. chemotherapy, dialysis).</li> </ol> |
| Serious injury or illness – covered servicemember                            | Injuries or illnesses that are incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. Injuries or illnesses that exist before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Serious injury or illness – covered veteran                                  | Injuries or illnesses incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty and that is either: <ol style="list-style-type: none"> <li>1. A continuation of serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank rating; or</li> <li>2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-related disability rating of 50 percent or greater and the need for military caregiver leave is related to that condition; or</li> <li>3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability(s) related to military service or would do so absent treatment; or</li> <li>4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.</li> </ol>                                                                                                                                                                                                                     |
| Son or daughter of a covered servicemember                                   | Employee's biological, adopted, or foster child, stepchild, legal ward; biological, adopted, or foster child, stepchild, legal ward of a domestic partner or spouse; or a child for whom the servicemember stood in loco parentis and who is of any age.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Son or daughter on covered active duty or call to covered active duty status | Employee's biological, adopted, or foster child, stepchild, legal ward; biological, adopted, or foster child, stepchild, legal ward of a domestic partner or spouse; or a child for whom the employee stood in loco parentis; who is on covered active duty or call to covered active duty status and who is of any age.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12 month period                                                              | Rolling 12 month period measured backward from the date the FML commences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



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Applies to: Faculty, staff, graduate associates, and student employees.

## Policy Details

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### I. Eligibility Requirements

#### A. **Employees** are eligible for FML if they meet all of the following:

1. Employed by the university for at least 12 months. Employee service breaks of seven years or less will have the previous time of employment counted towards the 12 month eligibility requirement. Service breaks by employees of seven years or more due to their fulfillment of National Guard or Reserve military service obligations will have this time counted toward the 12 month eligibility requirement. The university will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) when determining an employee's eligibility for FML.
2. Worked 1,250 hours for the **12 month period** immediately preceding the commencement of **leave** (60.1% FTE or greater for the entire 12 month period).
3. Incur a qualifying event (see section II.A.).
4. Document relationships
  - a. For purposes of confirmation of family relationship, the university may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship.
  - b. For purposes of confirmation of a domestic partnership completed Certificate of Domestic Partnership form must be on file with the Office of Human Resources, Benefits Services.

### II. Employee Leave Entitlements

#### A. **Eligible employees** have job protected time off for up to 12 workweeks for the following qualifying events:

1. A serious health condition of the employee that prevents the employee from performing his or her job as certified by a health care provider;
2. Birth of a child;
3. Placement with the employee of a child for adoption or foster care;
4. Care for a child during the first year following birth, adoption or foster care placement;
5. Care for an **immediate family member** who has a **serious health condition** as certified by a health care provider; or
6. A qualifying exigency as defined in 29 CFR 825.126, arising out of the fact that the employee's spouse, domestic partner, parent, or son or daughter is on **covered active duty** in a foreign country or call to covered active duty status (or has been notified of an impending call to active duty in a foreign country). A qualifying exigency includes:
  - a. Short notice deployment.
  - b. Military and other activities related to call to covered active duty.
  - c. Childcare and school activities.
  - d. Parental care leave.
  - e. Make or update financial and legal arrangements.
  - f. Counseling that arises out of the military service.
  - g. Rest and recuperation.
  - h. Post-deployment activities.



Applies to: Faculty, staff, graduate associates, and student employees.

- i. Additional activities – must be agreed to by the supervisor, the employee and the Office of Human Resources, Employee and Labor Relations in consultation with the Office for Military and Veterans Services.
  - B. Eligible employees have job protected time off for up to 26 workweeks under Military Service Member Family Leave for the following qualifying events:
    1. The employee is an eligible family member or **next of kin**; and
    2. The covered servicemember is:
      - a. Undergoing medical treatment, recuperation, or therapy;
      - b. In outpatient status;
      - c. On the temporary disability retired list, for a **serious injury or illness** incurred in the line of duty or an existing injury or illness aggravated in the line of duty; or
      - d. A veteran undergoing medical treatment, recuperation, or therapy for serious injury or illness incurred in the line of duty or aggravated in the line of duty that occurred any time during the five years preceding the date of treatment.
    3. This leave will not exceed 26 workweeks during a “single 12 month period.” The calculation of the “single 12 month period” begins with the first day the eligible employee takes FML to care for the **covered servicemember** and ends 12 months after that date. If all leave is not taken, it is forfeited.
    4. This type of leave is not to care for former members of the Armed Forces, National Guard and Reserves or members who are on the permanent disability retired list except for veterans noted above in II.B.2.d.
  - C. Any leave taken for reasons stated in sections A and/or B will be designated as FML by the **OHR leave administrator/designee**. Any leave will be counted concurrently with any other designated paid or unpaid leave balances. The maximum FML may not exceed 26 workweeks for employees with qualifying events that pertain to both sections A and B in a single 12 month period.
  - D. Employees on FML are still subject to a reduction in force or reassignment that would have occurred otherwise had the employee been working.
- III. Relationship to Paid or Unpaid Leave Policies
  - A. Any request to use sick or vacation for FML purposes must meet the specific requirements set forth by university policy.
  - B. An employee who requests FML based on the employee’s, employee’s immediate family member’s, covered servicemember’s, or **covered veteran**’s serious health condition must exhaust available sick leave and vacation leave balances prior to the use of unpaid FML. The university may waive this requirement in workers' compensation, short-term disability, and long-term disability cases.
  - C. Units that maintain attendance guidelines may require employees to adhere to such guidelines when requesting sick or vacation leave for FML purposes.
  - D. Time taken will be counted concurrently toward FML and the appropriate paid or unpaid leave. In the case of active duty or covered active duty FML, employees may use vacation or take an unpaid leave of absence.
  - E. In the case of birth or adoption, additional leave may be available pursuant to the university’s leave policies.
- IV. Compliance and Fraud
  - A. The university will not interfere with an eligible employee’s rights under the FMLA and will not discharge or otherwise discriminate against employees who exercise such rights.



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Applies to: Faculty, staff, graduate associates, and student employees.

- B. Employees failing to comply with FML policies and procedures may be denied use of FML. Falsification or use of FML for purposes other than as set forth by the FMLA are strictly prohibited and may result in disciplinary action, up to and including, dismissal and reimbursement to the university of salary and wages paid during FML.
- C. While on FML, staff must comply with the [Conflict of Interest and Work Outside the University](#) policy; faculty, including administrators and staff with faculty appointments must comply with the [Faculty Conflict of Commitment](#) policy; and faculty must comply with the [Faculty Paid External Consulting](#) and [Faculty Financial Conflict of Interest](#) policies.

## PROCEDURE

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Issued: 08/18/1993

Revised: 02/01/2015

- I. Requirements for Requesting Family and Medical Leave
  - A. Employee notification
    - 1. When a qualifying event is known or anticipated, notice should be given as far in advance as possible, followed by written documentation submitted 30 calendar days prior to the leave.
    - 2. When a qualifying event is immediate or unforeseeable, notice should be given as soon as practical when the employee becomes aware of the need for leave.
    - 3. For any requested leave for treatment, reasonable efforts should be made by the employee to schedule appointments that avoid disrupting unit operations.
    - 4. An employee using intermittent leave due to medical necessity should notify his/her supervisor as soon as he/she knows that he/she will be unable to work. This notification should occur no later than the starting time of the employee's work in compliance with an employee's scheduled starting time, absent a unit call-off procedure, which should be followed by the employee. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made.
  - B. Documentation of a qualifying event
    - 1. A request for FML must be substantiated with satisfactory documentation provided within 15 calendar days of the request for leave.
      - a. If the leave is due to a serious health condition of the employee, the employee's immediate family member, or a covered servicemember/covered veteran, documentation must be submitted from an appropriate health care provider. Documentation will be either the [Medical Certification of Health Care Provider for Employee's Serious Health Condition](#) form or the [Medical Certification of Health Care Provider for Family Member's Serious Health Condition](#).
      - b. If the leave is due to adoption, foster care placement, or qualifying exigency, documentation must be submitted from the appropriate agency.
    - 2. **Health care providers** that are authorized to complete a certification for military caregiver leave for a covered servicemember may be a: United States Department of Defense (DOD) health care provider, United States Department of Veterans Affairs (VA) health care provider, DOD TRICARE network authorized private health care provider, DOD non-network TRICARE authorized private health care provider, or non-military-affiliated health care provider.
    - 3. If the certification is incomplete or unclear, the employee must be given seven additional calendar days in most circumstances to provide more complete information. If the certification is still insufficient, the OHR



Applies to: Faculty, staff, graduate associates, and student employees.

leave administrator/designee may contact the employee's health care provider for clarification and/or authentication of the employee's medical certification or deny the FML request.

4. The university reserves the right to request a second opinion if the validity of a medical certification is questioned. If the first and second opinions differ significantly, the unit may request that the employee obtain a final and binding third opinion of a jointly selected health care provider. The second and third opinions are done at university expense. The OHR leave administrator/designee may request recertification when appropriate and permitted under the law but generally not sooner than 30 calendar days from the date of the last certification.
5. The university may only request second and third opinion of a covered veteran's serious injury or illness only when certification is provided by a non-military-affiliated health care provider.
6. A [Certification of Qualifying Exigency for Military Family Leave](#) form must be submitted to the OHR leave administrator/designee within 15 calendar days of the request for leave, when applicable. Written documentation such as duty orders, dates of covered active duty service and date of commencement of exigency must be attached to the certification request.
7. A [Certification for Serious Injury or Illness of Covered Servicemember for Military Family](#) form must be submitted to the appropriate unit administrator within 15 calendar days of the request for leave, when applicable. Written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty or aggravated in the line of duty on active duty and that the servicemember is undergoing treatment for such injury or illness must be included with the form. The university cannot request second/third opinions or re-certifications for leaves to care for a covered injured or ill servicemember.
8. Upon return from leave for a personal serious health condition, the employee must present a dated fitness-for-duty/return-to-work certificate from the health care provider so long as notified of this requirement by the OHR leave administrator/designee in the leave designation. The fitness-for-duty/return-to-work certificate must be dated and certify that the employee is able to return to work and can perform the essential functions of the job. The employee's return to work may be delayed until the certificate is submitted.
9. Failure to follow timely notification procedures may result in the delay or denial of FML.

## II. Determination of Eligibility

A. OHR leave administrator/designee determines employee eligibility under FMLA.

B. Notice of rights and responsibilities

1. Upon notification by the employee of the need to take leave or recognition of a qualifying event, the OHR leave administrator/designee must issue to the employee within five days a notice including the [Notice of Eligibility and Rights and Responsibilities](#) form for potential eligibility of FML.
2. The notice must include instructions for application of leave and one of the following forms:
  - a. [Medical Certification of Health Care Provider for Employee's Serious Health Condition](#),
  - b. [Medical Certification of Health Care Provider for Family Member's Serious Health Condition](#),
  - c. [Certification of Qualifying Exigency for Military Family Leave](#), or
  - d. [Certification for Serious Injury or Illness of Covered Servicemember for Military Family](#).

C. Leave designation

1. Upon receipt of employee documentation to support the leave request, the OHR leave administrator/designee must review the documentation to determine if it meets the criteria for a qualifying event. The OHR leave administrator/designee must issue an approval or denial [Designation Notice \(FML\)](#) form to the employee within five days.
2. The leave designation must include any requests for fitness-for-duty/return-to-work certification.





Applies to: Faculty, staff, graduate associates, and student employees.

- a. For fitness-for-duty certifications/ return-to-work certification, the leave designation must include a copy of the employee's position description or physical job requirements sheet. The health care provider will assess the employee's ability to perform the functions as specified in the position description or physical job requirements sheet.
- b. Failure to notify the employee of any fitness-for-duty/return-to-work certification will preclude its requirement.

### III. Calculation of Available Leave

- A. All leave requests that are FML qualifying events will be counted towards the 12 workweek or 26 workweek entitlement period.
- B. FML balances are determined on a rolling 12 month period, measured backward from the date FML commences.
- C. Employees who work less than a 100 % FTE are entitled to a prorated amount of leave hours within the 12 workweek entitlement based on the employee's FTE.
- D. Upon request, OHR leave administrator/designee must provide a current FML balance to the employee no sooner than every 30 days.

### IV. Options for Taking Family Medical Leave

- A. Twelve workweeks of FML may be taken all at once, intermittently, or on a reduced schedule.
  1. After the first 12 workweeks of the qualifying event for birth, adoption, or foster care placement, leave cannot be taken on an **intermittent or reduced schedule** without advance notice, scheduling, and unit approval.
  2. Intermittent leave may be taken in increments of one-tenth of an hour or daily or weekly intervals.
  3. An employee's unit must approve intermittent or a reduced schedule leave and arrangements for such leave must be coordinated with the unit. Employees using intermittent or a reduced schedule leave must make a reasonable effort to avoid disrupting unit operations, including scheduling doctor's appointments outside of work hours, if possible.
- B. Only the amount of leave actually taken is counted toward the 12 or 26 workweeks of leave.
- C. An employee may be temporarily transferred to an alternative position with equivalent pay and benefits to accommodate intermittent and/or a reduced schedule leave.
- D. A unit may arrange an alternative work schedule to accommodate an individual's caregiving needs if the schedule satisfactorily meets the operational needs, function, and mission of the unit. Such an arrangement will not be considered FML unless or until FML is actually taken.

### V. Benefits

- A. For information on continuation of benefits while on FML, see [Benefits Continuation while on Approved Leave of Absence](#).
- B. The employee will return to the same or an **equivalent position** with equivalent benefits, pay, and other terms and conditions of employment.
  1. Benefits are subject to changes that occur within the applicable plan or program while the individual is on leave.
  2. If an employee is unable to fulfill the essential functions of the job as a result of a serious health condition, accommodations may be made in accordance with the [Americans with Disabilities Act \(ADA\)](#).

### VI. Record Keeping

- A. OHR leave administrator/designee maintains employee records of FML usage and balances. These records include a copy of the written notice provided to the employee, leave designation, medical documentation to support the absence, the letter approving or denying the leave, and the amount of FML used during the benefit year.



Applies to: Faculty, staff, graduate associates, and student employees.

1. All such records must be handled as confidential information and must be stored in a secure file separate from the personnel file.
2. Records must be kept in accordance with the university Records Retention Schedule.

**VII. Notification and Implementation**

**A. Units will**

1. Post the FMLA rights and responsibilities notice electronically or on the premises.
2. Recognize and respond to triggers for FML leave
3. Ensure the appropriate timekeeping codes are used and maintained.

**B. The Office of Human Resources will:**

1. Ensure that FMLA posting and notification requirements are met, and
2. Consult with units and employees on requirements and implementation of FMLA.

**VIII. Investigation and Accountability**

**A.** The Office of Human Resources may investigate and issue findings and action steps when violations of FML provisions occur. The action steps could include corrective action up to and including termination.

**B.** Individuals who fail to comply with this policy will be held accountable for their actions under university policies, rules, and applicable law, including, but not limited to:

1. Staff, graduate associates, and student employees are subject to corrective action up to and including termination; and
2. Faculty are subject to University Rule 3333-05-04. A finding that a faculty member violated this policy may constitute sanctions under Faculty Rule 3335-05-04(A)(4).

**Responsibilities**

| Position or Office               | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Office of Human Resources        | <ol style="list-style-type: none"> <li>1. Ensure FMLA posting and notification requirements are met at the university level.</li> <li>2. Consult with units and employees on the requirements and implementation of FML.</li> <li>3. Investigate and issue findings and actions steps when violations of FML provisions occur.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| OHR leave administrator/designee | <ol style="list-style-type: none"> <li>1. Give employees an additional seven calendar days for incomplete or unclear documentation and contact the employee's health care provider for clarification and/or authentication of the medical certification or deny the request if certification is still insufficient.</li> <li>2. Request recertification when appropriate and permitted under the law but generally not sooner than 30 calendar days from the date of last certification.</li> <li>3. Determine employee eligibility under FMLA.</li> <li>4. Issue notice of rights and responsibilities within five days of notification by the employee of the need to take leave or recognition of a qualifying event. The notice must include instructions for application and the appropriate form.</li> <li>5. Review documentation to determine if it meets the criteria for a qualifying event and issue a leave designation within five days of receipt of the employee's documentation. The leave designation must include requests for fitness-for-duty/return-to-work certification.</li> <li>6. Upon request, provide current FML balance to the employee no sooner than every 30 days.</li> <li>7. Maintain employee records of FML usage and balances. These records are confidential and must be maintained separately from the personnel file and in accordance with the records retention schedule.</li> </ol> |
| Employing unit                   | <ol style="list-style-type: none"> <li>1. Recognize and respond to triggers for FML leave.</li> <li>2. Ensure the appropriate timekeeping codes are used and maintained.</li> <li>3. Approve arrangements for intermittent or reduced schedule leave.</li> <li>4. Arrange non-FML alternate work schedules to accommodate employee's caregiving needs, if possible.</li> <li>5. Upon employee's return to work, place employee in same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |





Applies to: Faculty, staff, graduate associates, and student employees.

| Position or Office | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employee           | <p>6. Post FMLA rights and responsibilities notice on premises or electronically.</p> <ol style="list-style-type: none"> <li>1. Review FML policy to determine if eligible for FMLA-protected leave. Contact supervisor, unit human resource professional, and the OHR leave administrator/designee for eligibility and/or medical documentation questions.</li> <li>2. For known or anticipated qualifying events, give notice as far in advance as possible, followed by written documentation submitted 30 calendar days prior to the leave.</li> <li>3. For immediate or unforeseeable qualifying events, give notice as soon as practical.</li> <li>4. Use reasonable efforts to schedule appointments that avoid disrupting unit operations.</li> <li>5. Notify supervisor for each absence prior to the employee's scheduled starting time, absent a unit call-off procedure.</li> <li>6. Provide satisfactory documentation within 15 calendar days of the request for leave.</li> <li>7. If requested, provide more complete information within seven calendar days for incomplete or unclear documentation.</li> <li>8. If requested, obtain a final and binding third opinion of a jointly selected health care provider.</li> <li>9. Submit a dated fitness-for-duty/return-to-work certification to the OHR leave administrator/designee if required.</li> <li>10. Submit requests for intermittent or reduced schedule leave in a timely manner and schedule such leave in a manner that is least disruptive to the unit.</li> </ol> |

## Resources

**Forms** (available online at [hr.osu.edu/policies-forms](http://hr.osu.edu/policies-forms)):

Certificate of Domestic Partnership form, [hr.osu.edu/wp-content/uploads/form-ssdp-certificate-partnership.pdf](http://hr.osu.edu/wp-content/uploads/form-ssdp-certificate-partnership.pdf)

Certification for Serious Injury or Illness of Covered Servicemember for Military Family form, [hr.osu.edu/wp-content/uploads/form-fml-military-health.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-military-health.pdf)

Certification of Qualifying Exigency for Military Family Leave form, [hr.osu.edu/wp-content/uploads/form-fml-exigency.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-exigency.pdf)

Designation Notice (FML) form, [hr.osu.edu/wp-content/uploads/form-fml-designation.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-designation.pdf)

FML Notification Letter sample, [hr.osu.edu/public/documents/policy/resources/605fmltrsample.doc](http://hr.osu.edu/public/documents/policy/resources/605fmltrsample.doc)

FMLA flyer to post, [hr.osu.edu/wp-content/uploads/fmla-poster.pdf](http://hr.osu.edu/wp-content/uploads/fmla-poster.pdf)

Medical Certification of Health Care Provider for Employee's Serious Health Condition form, [hr.osu.edu/wp-content/uploads/form-fml-employee-health.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-employee-health.pdf)

Medical Certification of Health Care Provider for Family Member's Serious Health Condition form, [hr.osu.edu/wp-content/uploads/form-fml-family-health.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-family-health.pdf)

Notice of Eligibility and Rights and Responsibility form, [hr.osu.edu/wp-content/uploads/form-fml-eligibility-notice.pdf](http://hr.osu.edu/wp-content/uploads/form-fml-eligibility-notice.pdf)

## Additional Information

Americans with Disabilities Act (ADA), [ada.gov](http://ada.gov)

Benefits Continuation while on Approved Leave of Absence, [hr.osu.edu/wp-content/uploads/leave-absence-benefits.pdf](http://hr.osu.edu/wp-content/uploads/leave-absence-benefits.pdf)

Code of FMLA federal regulations (CFR 825.122), [ecfr.gov](http://ecfr.gov)

eLeave, [eleave.osu.edu](http://eleave.osu.edu)

Family Medical Leave Act (FMLA), [dol.gov/whd/fmla](http://dol.gov/whd/fmla)

Frequently Asked Questions-Family and Medical Leave, policy 6.05, [hr.osu.edu/public/documents/policy/resources/605familyleavefaq.pdf](http://hr.osu.edu/public/documents/policy/resources/605familyleavefaq.pdf)

Genetic Information Non-Discrimination Act (GINA), [eeoc.gov/laws/statutes/gina.cfm](http://eeoc.gov/laws/statutes/gina.cfm)



Applies to: Faculty, staff, graduate associates, and student employees.

Guidelines for Investigating Complaints of Discrimination and Harassment, [hr.osu.edu/wp-content/uploads/discrimination-investigation-guidelines.pdf](http://hr.osu.edu/wp-content/uploads/discrimination-investigation-guidelines.pdf)

Graduate School Handbook, [gradsch.ohio-state.edu/Depo/PDF/Handbook.pdf](http://gradsch.ohio-state.edu/Depo/PDF/Handbook.pdf)

ADA website, [ada.osu.edu](http://ada.osu.edu)

Policy revision communications notification, [hr.osu.edu/public/documents/policy/resources/605notice.pdf](http://hr.osu.edu/public/documents/policy/resources/605notice.pdf)

Student Employment, policy 10.10, [hr.osu.edu/public/documents/policy/policy1010.pdf](http://hr.osu.edu/public/documents/policy/policy1010.pdf)

University Records Retention Schedule, [library.osu.edu/documents/records-management/general-schedule.pdf](http://library.osu.edu/documents/records-management/general-schedule.pdf)

### Contacts

| Subject                                                                                         | Office                                                                                               | Telephone                              | E-mail/URL                                                                                                     |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Leave administration questions                                                                  | HR Connection                                                                                        | 614-247-myHR (6947)                    | <a href="mailto:HRConnection@osu.edu">HRConnection@osu.edu</a>                                                 |
| Policy questions                                                                                | HR Connection                                                                                        | 614-247-myHR (6947)                    | <a href="mailto:HRConnection@osu.edu">HRConnection@osu.edu</a>                                                 |
| Benefits questions                                                                              | HR Connection                                                                                        | 614-227-myHR (6947)                    | <a href="mailto:HRConnection@osu.edu">HRConnection@osu.edu</a>                                                 |
| Military or veteran issues                                                                      | Office for Military and Veterans Services, Office of Enrollment Services and Undergraduate Education | 614-247-8387                           | <a href="http://veterans.osu.edu">veterans.osu.edu</a><br><a href="mailto:milvets@osu.edu">milvets@osu.edu</a> |
| Coordination of benefits/return to work services for occupational and non-occupational injuries | HR Connection                                                                                        | 614-247-myHR (6947)                    |                                                                                                                |
| ADA accommodations                                                                              | Ohio State ADA Coordinator                                                                           | 614-292-6207<br><br>(TTY) 614-688-8605 | <a href="mailto:ada-osu@osu.edu">ada-osu@osu.edu</a>                                                           |
| Benefits for graduate associates                                                                | The Graduate School                                                                                  | 614-292-6031                           | <a href="mailto:grad-schoolregistrationservices@osu.edu">grad-schoolregistrationservices@osu.edu</a>           |

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