

UNLV HUMAN RESOURCES' ROLE IN PROCESSING REQUESTS FOR FAMILY MEDICAL LEAVE (FML)

Summary: Learn about Human Resources' role in working with employees and supervisors when processing requests for leaves of absence under Family Medical Leave (FML).

What is FML? Under FML eligible employees may take job-protected leave for up to twelve (12) weeks in a 12-month period for specified reasons relating to the employee's or qualified family or service member's serious health condition or in connection with the birth or placement of a child, or for a qualified military exigency. FML incorporates both the Federal Family Medical Leave Act (FMLA). An employee who is on FML Leave is entitled to return to his/her same or comparable position at the conclusion of the leave.

The FML 12-week entitlement is calculated on a backward rolling basis within a 12-month period, from the first date the employee's first FML leave begins. FML may also run concurrently with other employee leave entitlements.

Under What Circumstances does FML apply? Eligible employees are entitled to FML leave under a variety of circumstances:

- Birth or placement for a "son or daughter," to bond with a newborn or newly placed "son or daughter" for adoption or foster care; or to care for a son or daughter with a serious health condition (includes child of employee with "in loco parentis" status).
- Care for the employee's spouse, registered domestic partner, or parent with a serious health condition.
- Employee's own serious health condition that makes the employee unable to perform one or more essential functions of his/her job.
- Qualifying Military Exigency Leave (MEL) arising out of the fact that the employee's spouse, registered domestic partner, son, daughter, or parent is on active military duty in the National Guard or Reserve, or has been called to active duty in the National guard or Reserve in a "contingency" military operation.
- Service Member Care Leave (SMCL) for a covered service member with a serious injury or illness, if the employee is the spouse, registered domestic partner, son, daughter, parent, or next of kin of the service member.

Who is an eligible employee? All full-time and part-time employees (excluding student employees) employed for at least one academic year or 12 months (does not have to be continuous) preceding the leave are eligible. Employment includes appointments at any NSHE campus. Under FML, all prior state service is counted towards FML eligibility, regardless of any breaks in service. Additionally, any National Guard or Reserve military duty is also counted toward the 12 month eligibility requirement. Student employees are eligible for FML, if employed for at least one year (does not have to be continuous) and have worked at least 1,250 hours in the 12 months preceding the request for leave. If granted FML, students (or other employees) not otherwise eligible for benefits are entitled to unpaid leave and reinstatement rights only.

When should an employee notify the employer of an impending leave? Employees must provide 30 days' advance notice for foreseeable leave, or as much advance notice as is practicable. When 30 days' notice is not possible based upon, for example, an expected birth, placement of a child for adoption or foster care or planned medical treatment for the employee or a family member's serious health condition, the employee must give notice to the employer on the same day that s/he learns of the need for leave, or the next business day, after the need arises for unforeseeable leave, unless impracticable to do so. An employee who takes a foreseeable leave based on planned medical treatment must make a reasonable

effort to schedule planned medical treatment or necessary medical supervision so as to minimize any disruption to campus operations. The employee should provide the anticipated date upon which the leave will commence and the projected duration of the leave to the extent known at the time of providing notice.

How is UNLV's Benefits Office involved in assisting an employee needing to request leave under FML? The following chart provides guidance on the process as well as your responsibilities:

What to do:	How to Do It
<p>Advise the employee and supervisor of the leave options and process for requesting FML.</p>	<ul style="list-style-type: none"> A. Upon receiving notification that an employee may need leave under FML, the Benefits Office determines the employee's FML eligibility and notifies the employee about any leave options. B. Within 3-5 business days of learning of the possible need for leave, the Benefits Office will provide the following information (FML packet) to the requesting employee. A copy of the Notice of Eligibility Letter will be sent to the department to ensure that all parties are aware of the possible leave. <ul style="list-style-type: none"> a. <u>Notice of Eligibility</u> - Informs employees of their eligibility/lack of eligibility under FML. The notice also provides information on employee Rights and Responsibilities for taking leave. b. <u>Employee Rights and Responsibilities Under the Family and Medical Leave Act</u> – Provides information about employee rights and responsibilities associated with leaves under the Family Medical Leave Act. c. <u>Certification of Health Care Provider (CHCP)</u> – This form must be completed by your/your family member's health care provider to certify that your /your family member's illness is considered a "serious health condition" covered under CSU FML. d. <u>Medical Leave of Absence Request Form</u> C. If employee requests leave advising and/or planning, the Benefits Office will set an appointment to meet in-person with the employee to discuss. During this meeting the Benefits Office will go over the employees estimated leave projections and options.
<p>Review documentation and designate the leave.</p>	<ul style="list-style-type: none"> A. Upon receipt of the CHCP, the Benefits Office will review and inform the employee and the department, within 3-5 business days, if FML is applicable. <ul style="list-style-type: none"> a. If the CHCP is incomplete or does not provide sufficient information necessary for the Benefits Office to make a determination, the certification will be returned to the employee with request for additional information and/or clarification. The employee will be granted an additional 7 calendar days to return a complete and a sufficient CHCP back to the Benefits Office. Leave approvals may be delayed until sufficient information is provided.

	<p>B. Once sufficient information has been submitted, the Benefits Office will make a determination, within 3-5 business days, regarding the applicability of FML.</p> <p>C. If FML applies, the following will be sent to the employee's attention.</p> <ul style="list-style-type: none"> a. Designation Notice – Informs the employee that the leave is being designated under FML. Also outlines the pertinent details surrounding the leave. b. Family & Medical Leave Act (FMLA) Medical Release form – with or without restrictions <p>D. The Benefits Office will also send to the manager/supervisor a copy of the Designation Notice as a means of informing the department about the pertinent details surrounding the leave. This is especially important for intermittent leaves.</p>
During the leave	<p>A. Answer any questions the employee or supervisor has regarding the leave.</p> <p>B. Work with the employee and supervisor to ensure that time and leave accruals are reported accurately.</p> <p>C. Communicate with the department if an employee's leave status changes.</p>
Return to Work	<p>A. Contact the employee shortly before the expected return to work date to inquire about the employee's status.</p> <ul style="list-style-type: none"> a. Should the employee's leave status change, the Benefits Office will notify the supervisor. <p>B. Remind the employee about the requirement to submit a Family & Medical Leave Act (FMLA) Medical Release form to the Benefits Office prior to the return to work date.</p> <p>C. Upon receipt of a completed Family & Medical Leave Act (FMLA) Medical Release form with no restrictions- Notify the supervisor of the employee's return to work status/date.</p> <p>D. Upon receipt of a completed Family & Medical Leave Act (FMLA) Medical Release form with restrictions – Forward the request to the Office for Equal Opportunity and the employee will be contacted to discuss the request for an accommodation.</p> <p>E. The Office for Equal Opportunity will contact the employee and supervisor to discuss the employee's restrictions upon return to work.</p>

Should you need to submit a request for leave or have questions about FML, please contact the Benefits Office:

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