

## **UNLV MANAGER'S/SUPERVISOR'S ROLE IN REQUESTING FAMILY MEDICAL LEAVE (FML)**

**Summary:** Learn about your role as a supervisor in working with Human Resources and your employee who is requesting a leave 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.

**What should I do if I learn about an employee needing time off under FML?** The following chart provides guidance on the process as well as your responsibilities:

What to do:	How to Do It
<p><b>Recognize an employee's possible need for time off under FML and notify the Benefits Office immediately.</b></p>	<p>A. <b>Inform</b> the Benefits Office immediately if you become aware of an employee who has taken or intends to take time off for an FML qualifying reason. If you recognize that there <u>may</u> possibly be a need for FML, refer employee to the Benefits Office. Keep in mind that an employee need not expressly state the leave is FML related. It is the employer's responsibility to follow up if the employee indicates that he or she needs time off for a reason that may qualify under FML. Such knowledge may come in the form of verbal statements, information obtained from a spouse or relative, knowledge of a hospital stay, or absence from work for a serious illness of more than three working days. <i>(FML leave following a three (3) day absence depends on eligibility and the Benefits Office receives automatic notification via Workday).</i></p> <p>B. <b>Communicate</b> with your employee the necessity to notify the Benefits Office in a timely manner and comply with policies and procedures related to FML requests. If an employee is placed on a medical leave, the department is <u>not</u> allowed to contact the employee in regards to any work related items, including sending e-mail communications and/or contacting the employee via phone.</p> <p>C. <b>Review</b> the Supervisor/Manager copy of the FML documents provided to the employee by the Benefits Office upon receipt of the request for leave. These documents will provide to you the pertinent details of the leave to help keep you informed about the employee's leave.</p> <ol style="list-style-type: none"> <li><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.</li> <li><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.</li> <li><u>Designation Notice</u> – Indicates the pertinent details of the request including: approval or denial of the leave request, duration, and amount of FML involved with the leave.</li> </ol>

<p><b>Manage the employee through the leave.</b></p>	<ul style="list-style-type: none"> <li>A. <b>Do not ask</b> the employee about his or her medical condition or the specific medical condition of the qualifying family member. The employer is only allowed to ask the employee to provide certification of a serious health condition, and may not ask about the diagnosis or medical condition giving rise to the leave. Employees themselves may choose to disclose more information. Even if employees choose to make this disclosure to their supervisor or other employees, the supervisor should not share or further disclose this information to others.</li> <li>B. <b>Confidentially maintain any information</b> and discuss only with the Benefits Office. All medical certification documents should be submitted by the employee directly to the Benefits Office. Details surrounding an employee's request for leave should be maintained as confidential and not discussed with department personnel. If another employee asks where the employee is, the supervisor should indicate he/she is on leave and nothing more.</li> <li>C. <b>Verify</b> the dates of the employee's leave through Workday.</li> <li>D. <b>Monitor</b> the employee's leave usage. The Designation Notice provided to the supervisor outlines the approved leave usage. It is the supervisor's responsibility to ensure that the employee's usage falls within the approved parameters. Employees should comply with all normal call in procedures.</li> <li>E. <b>Contact the Benefits Office</b> immediately should you have any questions about the dates or duration of the leave. Remember; employees on intermittent leave are still required to follow proper call-in procedures. If employees are not following policy, notify Benefits Office as soon as possible.</li> </ul>
<p><b>Employee's Return to Work</b></p>	<ul style="list-style-type: none"> <li>A. <b>Confirm with the Benefits Office</b> the employee's return to work date and status. <ul style="list-style-type: none"> <li>a. <b>Employees on leave due to their own serious health condition and returning to work <u>without</u> any restrictions</b> must submit a Family &amp; Medical Leave Act (FMLA) Medical Release form completed by their treating physician (or a doctor's note) and submit to the Benefits Office prior to their return to work date.</li> <li>b. <b>Employees on leave due to their own serious health condition and returning to work <u>with</u> restrictions</b> must request their health care provider to complete the Family &amp; Medical Leave Act (FMLA) Medical Release form and submit to the Benefits Office prior to their return to work date. <b>Any restrictions will be evaluated as a request for reasonable accommodation.</b></li> </ul> </li> </ul>

	c. <b>Participate</b> in the Interactive Process – The Office for Equal Opportunity will contact you to discuss your employee’s restrictions upon return to work.
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Should you become aware of an employee’s need to submit a request for leave or if you have questions about FML, please contact the Benefits Office:

<b>HUMAN RESOURCES BENEFITS OFFICE- ABSENCE MANAGMENT</b>	
<b>Michael Villapando</b> <b>Absence Management</b> <b>Coordinator</b> <b>(702) 895-1837</b> <a href="mailto:michael.villapando@unlv.edu">michael.villapando@unlv.edu</a>	<b>Human Resources</b> <b>Front Desk</b>  <b>(702) 895-3504</b>