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## **Employee Information on the Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) went into effect on August 5, 1993, and amended in 2008 and 2010. While the Research Foundation for Mental Hygiene, Inc. (RFMH) already had in place personal and family illness programs that met or exceeded many requirements of the federal law, FMLA provides additional options for qualifying leaves.

### **What does FMLA Provide?**

The FMLA entitles eligible employees to take unpaid, job protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to twelve workweeks of leave in a twelve month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered Active Duty;" or
- Twenty-six workweeks of leave during a single twelve month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

The leave available during the 12 month period will be based on a "rolling year" from the first day of the FMLA leave. For example, if you take FMLA leave beginning October 1, you have 12 weeks of FMLA leave between that date and October 1 of the following year.

In some cases, employees have the option of taking FMLA leave as either a single period of up to 12 weeks, or on an intermittent or reduced leave basis. "Intermittent Leave" is scheduled in separate blocks of time due to a serious illness or injury. For example, an employee who needs four hours per week for physical therapy would request intermittent leave. A "Reduced Leave" schedule shortens an employee's workday or work week, as in the case of a full-time employee working on a part-time schedule while recovering from a serious health condition.

When FMLA leave is requested RFMH can request a second opinion at our expense in the case of a "serious health condition".

Workers' Compensation and short-term disability leave run concurrently with FMLA.

### ***RFMH Employee Information on the Family and Medical Leave Act (continued)*** **Who is eligible?**

*Revised March 2013*

To be eligible for leave under FMLA, an employee must have at least one year of RFMH service and have worked a minimum of 1,250 hours during the previous 12 month service period. The 12 months of service need not be continuous. Previous service will be counted provided that there was not a break in service for more than 5 years, or 7 years if the break was due to military service.

### **Benefit Continuation**

While on FMLA leave, an employee's health and dental insurance will continue. However, the employee is responsible for their portion of the health and dental insurance premium. This must either be pre-paid before the leave begins, or on a monthly basis, in advance, while on leave. If payments are not made it will result in the cancellation of your health and/or dental insurance.

### **During an unpaid FMLA leave:**

- Employee will not accrue time.
- Life and long-term disability insurance will continue for qualified employees
- Retirement contributions will not be made even if you are qualified to participate
- Benefit qualifying period will be frozen and will resume when the employee returns to the payroll at the percent of effort required to qualify for the benefit

### **For those employees electing to use accruals during FMLA leave:**

- Benefit qualifying periods and retirement annuity contributions will continue on the portion of FMLA leave for which the employee elects to use their accruals (paid leave).
- Timesheets will need to be submitted indicating FMLA for all leave relating to the initial request for FMLA or any additional time requested relating to the initial request.

### **When you return**

FMLA leave entitles you to return to your previous job or a job of equal pay, benefits and working conditions. However, if the grant or contract ends while you are on FMLA, you will not be entitled to reinstatement. FMLA leave does not extend beyond a known termination date.

### **Restrictions**

As part of the 12 week FMLA entitlement, employees may use their personal, vacation and allowable sick leave accruals before going on unpaid FMLA leave. However, sick leave accruals cannot be used to care for a newborn or newly adopted child unless the child is seriously ill. Use of sick leave accruals as part of family leave involving the illness of a child, spouse or parent is limited to 15 days per year. Paid FMLA leave will be counted as part of the mandated 12 week leave.

The employee must provide 30 days advance notice before the leave for the birth of a child or placement of a child. In the case of a serious medical condition, employees are required to provide 30 days advance notice, or as much as practical. Certifications of "serious health conditions" must be provided within 15 days of the request for leave.

Employees must provide a certification of a serious health condition or the need to care for a seriously ill child, spouse or parent. Certification forms are available in all RFMH Human Resource Offices.

If both spouses are employed by RFMH, they are limited to an aggregate of 12 weeks of FMLA leave for the birth or adoption of a child. If leave is requested for the care of a sick child or of the other spouse, each spouse is entitled to a total of 12 weeks of leave.

If you have any questions feel free to contact your local Human Resource Office.