

## FMLA Summary

Please refer to the Medical/FMLA policy at <http://www.umdnj.edu/hrweb/policies/pl404000.pdf> for complete provisions. In the event of a discrepancy, the policy will prevail.

<b>Eligibility</b>	Regular full or part-time employees who work 20 hours or more a week, and full time temporary employees employed for a minimum of 6 months.					
<b>Calendar</b>	All leaves calculated on a rolling 12-month year					
<b>Certification Time Requirements</b>	<p><b>UMDNJ has 5 days to request Medical Certification</b> from the day the employee gives notice of the need for leave. The first time an employee requires leave, employee does not have to mention FMLA to put the employer on notice. Managers <b>MUST</b> make HR aware when an employee's absenteeism may be affected by a serious health condition.</p> <p><b>Employee has 15 days to return Medical Certification</b>, or the leave may be denied.</p> <p>UMDNJ may ask for additional information and the <b>employee has 7 days to provide it</b>, or leave may be denied.</p> <p>University representatives, including HR (but specifically excluding the supervisor), may contact employee's healthcare provider for verification/clarification.</p>					
<b>Notice Requirements</b>	<p><b>Foreseeable Leave: 30 days notice.</b></p> <p><b>Unforeseeable leave: Same day or next business day</b> by the employee or his/her designee in an emergency. Failure to provide timely notice allows employer to count any absences during delay as non-FMLA and apply the attendance control policy.</p> <p><b>Approved Intermittent Leave:</b> For those on approved intermittent leave, employee must follow department call-in procedure for unscheduled absences daily and specifically state that they are absent for an FMLA qualifying reason. If the employee does not follow this process, the absences can be considered as non-FMLA and the attendance control policy applied.</p>					
	<b>For Self</b>	<b>For Family Member</b>	<b>Catastrophic Illness (self and/or family)</b>	<b>Birth /Adoption/Foster Care</b>	<b>Military Caregiver</b>	<b>Qualifying Exigency</b>
<b>Maximum Continuous Leave</b>	6-Months <i>If employee has paid time accruals exceeding 6-months maximum is 12 months (for staff hired prior to 1983). Refer to Staff Leave Donation Program.</i>	• 12 weeks	6-Months (self) 12-Weeks (Family) <i>If employee has paid time accruals exceeding 6-months maximum is 12 months</i>	12 weeks <i>(taken after medical leave related to the pregnancy and within 1 year of birth or adoption)</i>	26 Weeks	12 weeks
<b>Intermittent Leave</b>	12 weeks <i>(must be tracked by department)</i>	Same as above <i>(must be tracked by department)</i>	N/A	N/A	Same as above <i>(must be tracked by department)</i>	Same as above <i>(must be tracked by department)</i>
<b>Use of Benefit Time</b>	<ul style="list-style-type: none"> <li>All paid sick time must be used first, then</li> <li>Float holidays and Vacation accruals must be used, unless the employee elects to apply for disability.</li> </ul> <p><i>Note: When sick time is exhausted, employees who choose to go on disability don't have to use their vacation and float time.</i></p>	<ul style="list-style-type: none"> <li>10 days of sick time must be used (if available), then</li> <li>Float holidays and Vacations accruals must be used unless employee elects to apply to NJ Paid Family leave, then must use 2 wks (10 days) of accrued time benefits .</li> </ul>	<ul style="list-style-type: none"> <li>For self: all paid sick time must be used first.</li> <li>For family: 10 days of sick time must be used (if available), then</li> <li>Float holidays and vacation accruals, must be used</li> <li>If additional time is required, remaining sick time may be used up to the 12-week maximum.</li> </ul>	<ul style="list-style-type: none"> <li>All accrued float holidays and vacation must be used unless the employee elects to apply for NJ Paid Family Leave, then only 10 days must be used.</li> <li>Sick time may not be used.</li> </ul>	<ul style="list-style-type: none"> <li>10 days of sick time must be used (if available), then</li> <li>Float holidays and Vacations accruals must be used.</li> </ul>	<ul style="list-style-type: none"> <li>All accrued vacation and float holidays must be used</li> <li>Sick time may not be used.</li> </ul>
<b>Donated Time</b>	See Catastrophic Illness	See Catastrophic Illness	All employees must exhaust their accrued sick, vacation and float time first. Maximum donations not to exceed leave time allowed by policy.	N/A	N/A	N/A
<b>Forms</b>	- Request for Leave of Absence - Employee's Serious Health Condition – Form WH-380-E	- Request for LOA - Family Member's Serious Health Condition – Form WH-380-F	- Request for LOA - Employee's Serious Health Condition – Form WH-380-E or WH 380-F	- Request for LOA - Proof of birth, adoption or foster care.	Request for LOA Serious Illness of a Covered Service Member – Form WH 385	Request for LOA Qualifying Exigency for Military Leave – Form – WH 384

# FMLA Key Roles/Responsibilities

Please refer to the Medical/FMLA policy at <http://www.umdnj.edu/hrweb/policies/pl404000.pdf> for complete provisions. In the event of a discrepancy, the policy will prevail.

	HR Responsibilities	Manager's Responsibilities	Employee Responsibilities
Educating Employee of FMLA Rights	<ul style="list-style-type: none"> <li>• Display FMLA Poster provided by Department of Labor</li> <li>• Provide general notice to new employees in Staff Handbook</li> <li>• Electronic posting</li> </ul>		
Facilitating use of FMLA Rights		<ul style="list-style-type: none"> <li>• If an employee reveals that they (or a member of their family) are struggling with a health condition - even if they have not had serious attendance issues - inform them of FMLA, refer them to HR and notify your HR generalist that one of your staff members may need FMLA.</li> <li>• If an employee is absent for more than three days, notify HR immediately.</li> <li>• Note: You are an agent of the University, if a staff member informs you, directly or indirectly, of a need for leave contact HR immediately. HR is required to act on that information within 5 business days.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify manager if a serious health condition is affecting your attendance or performance.</li> <li>• Contact HR to discuss your situation and determine if you are FMLA eligible.</li> </ul>
Certification Process	<ul style="list-style-type: none"> <li>• Provide eligibility Notice, Rights and Responsibility Notice, and Request Medical Certification within 5 days of receiving notice of the employee's request for leave.</li> <li>• Ensure certification documents are authentic, complete and meet all criteria for FMLA leave.</li> <li>• HR may contact health care provider for clarification, with consent of employee.</li> <li>• Provide employee with designation notice once it has been determined if the leave is qualified under FMLA. The notice must specify the amount of leave and whether a fitness-for-duty certification will be necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Managers cannot participate in the certification process. This is handled by HR. HR will inform the manager if the leave is approved or denied.</li> <li>• If leave is approved, Manager must fill out Leave of Absence Transaction form at the beginning of the leave and upon the employee's return to work.</li> </ul>	<ul style="list-style-type: none"> <li>• Requesting Leave: <ul style="list-style-type: none"> <li>• Foreseeable leave: Provide 30 days notice or as soon as practicable.</li> <li>• Unforeseeable: Follow departmental call-in procedure daily. Request FMLA on or before the 4<sup>th</sup> business day of any period where absent due to a serious health condition.</li> </ul> </li> <li>• Provide certification documentation within timelines required: <ul style="list-style-type: none"> <li>• Initial certification: 15 days</li> <li>• Correct deficiencies in certification: 7days</li> </ul> </li> <li>• If employee does not facilitate obtaining/providing information needed to HR within defined timelines, leave may be denied.</li> </ul>
Tracking Leave Continuous Leave	<ul style="list-style-type: none"> <li>• Generalist will notify manager of start date, expected return date, and how to utilize benefit time (sick, vacation, float).</li> <li>• <i>NOTE: HR is not responsible for reminding employee or department of expected return date. It is the employee's obligation to return to work as expected or notify HR.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Fill out time sheet noting "FMLA leave".</li> <li>• If Employee does not return to work on expected date of return, notify HR immediately.</li> </ul>	
Intermittent Leave	<ul style="list-style-type: none"> <li>• See Manager's Responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Track all time taken by employee that is identified as FMLA.</li> <li>• In addition to your own records, when you mark the time sheet with S, V, F note underneath if it is an FMLA absence.</li> <li>• Notify HR when employee has utilized 60 full time days of FMLA or prorated for part-time employees.</li> </ul>	<ul style="list-style-type: none"> <li>• Follow departmental call-in procedure for all unscheduled absences.</li> <li>• If the absence is FMLA-related, employee MUST state it is an FMLA absence.</li> </ul>
Return to Work	<ul style="list-style-type: none"> <li>• May require Fitness for Duty report from health care provider.</li> <li>• Always require medical clearance for return</li> </ul>	<ul style="list-style-type: none"> <li>• Fill out the Leave of Absence Transaction form.</li> <li>• Notify HR if employee does not return to work on expected date.</li> </ul>	<ul style="list-style-type: none"> <li>• Call HR and Supervisor 5 days in advance of return.</li> <li>• Obtain medical clearance and provide to HR..</li> </ul>