



Human Resources
UNIVERSITY OF COLORADO BOULDER

Family Medical Leave Act and Parental Leave

Human Resources Liaison Information Session

July 22, 2021

Overview

1. The Family and Medical Leave Act (FMLA)
2. Parental Leave Benefit
3. Short Term Disability
4. On the Job Injury

What is FMLA?

FMLA Basics

The Family and Medical Leave Act is a federal employment law that requires eligible employers to provide eligible employees the right to take job-protected leave for qualifying family and medical reasons.

- FMLA leave runs concurrently with other forms of paid leave
- FMLA leave is unpaid if the employee does not have paid leave available
- Health benefits continuation
 - *Employee is responsible for continuing payment of benefit premiums*
- Job restoration to the same or equivalent position
- Employees cannot be penalized for FMLA leave taken in performance conversations

Eligibility

FMLA eligibility is determined and communicated by the department's FMLA administrator. Please note that it is your responsibility as a department HR liaison to inform the FMLA administrator (or if you are the FMLA administrator, to begin the process) as soon as you are aware that an employee may have a need for leave, regardless of perceived eligibility.

University Staff/Faculty/Research Faculty

- 12 months of service and 1,250 hours worked in previous 12 months

Classified Staff

- 12 months of State service

Important Reminder

An employee does not have to explicitly request FMLA in order to be referred for eligibility determination. It is your responsibility, as an HR liaison, to recognize when an employee may have a need for leave and to refer them to an FMLA administrator accordingly.

Look and listen for:

- Pain, fatigue or headaches
- Changes in behavior/mood
- Changes in attendance or patterns of leave
- Performance issues
- Change in grooming habits
- On the job injury

Leave Entitlements

University Staff/Faculty/Research Faculty

- Entitled to 12 weeks (480 hours) of FMLA leave in a rolling calendar year*

Classified Staff

- Entitled to 12 weeks (480 hours) of FMLA leave plus one additional week (40 hours) of state medical leave in a rolling calendar year
- 80 hours of paid family medical leave (PFML) that runs concurrently with FMLA

***Rolling Calendar Year:** A rolling 12-month period, measuring backward from the date of any FMLA leave usage.

Qualifying Conditions and Events

- Employee's own serious health condition
- Birth and care of newborn child
- Placement and care of a child from foster care or adoption
- Care for a spouse, civil union partner, domestic partner, child, or parent with a serious health condition
- Qualifying exigency (when a parent, child, spouse, civil union partner, or domestic partner is called for active military duty)
- Care for a spouse, parent, or child who is a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness

Types of Family Medical Leave

Block Leave (continuous)

When an employee has a need to be out for consecutive days

Ex: Employee has a major surgery and needs leave to be out for recovery.

Intermittent Leave (unpredictable and non-continuous)

When an employee has a need to be out on an intermittent basis (must follow proper call out procedures)

Ex: Employee's child has a serious health condition that requires employee to take them to/from appointments.

Reduced Schedule (may be continuous)

Ex: Employee has a serious health condition that requires regular, all-day medical treatments one day per week.

Suggested Workflow

1. Recognize the need for leave
2. **Within 5 business days:** Send Notice of Eligibility, Medical Certification, Job Description, and Employee Toolkit
3. **Within 15 calendar days:** Employee returns completed Medical Certification
 - If not returned within 15 days, send a follow-up email
 - If employee is unresponsive after a 7-day extension, deny leave until employee submits a completed Medical Certification
4. **Within 5 business days:** Review Medical Certification and send communication to employee
 - If Med Cert is sufficient, designate for FMLA and send Designation Notice
 - If Med Cert is incomplete or insufficient, send Designation Notice outlining missing information and grant a 7-day extension

Suggested Workflow Cont.

5. Designate employee for FMLA
 - Provide estimated leave schedule, time reporting instructions, call-out procedures
 - Ensure supervisor is notified and provided Supervisor Toolkit
 - Ensure payroll actions are completed
6. Track leave on a biweekly basis
7. **One week prior to return to work or recertification date:** Follow up with the employee
 - Does the employee have a need for extended leave?
 - Does anticipated return to work date still stand?
 - Has Fitness to Return been submitted and has supervisor cleared return with any restrictions in place?
 - Will any restrictions be long-term and require an ADA referral?
 - Facilitate return to work with supervisor and ensure payroll actions are completed

Recertification of Leave

- Recertification date should be provided to the employee in the initial FMLA designation email or letter
- Cannot recertify leave more frequently than every 30 days unless:
 - Circumstances have changed
 - Department receives information that casts doubt on the employee's need for leave
 - Employee requests extension of approved leave
- Allow 15 days to return updated Medical Certification
- Do not require doctor's notes for each absence while on intermittent leave

Suggested Payroll Actions

- **Block Leave**

- Paid Leave of Absence in HCM, effective start date of leave
 - Action Reason: Family Medical Leave
- Employee should report “Family Medical Leave” in MyLeave
- If employee will exhaust accruals during block leave:
 - Unpaid Leave of Absence, effective first date of unpaid leave
 - Action Reason: Family Medical Leave
- Return to work, effective first day back at work

- **Intermittent Leave/Reduced Schedule**

- No action in HCM
- Employee should report “Family Medical Leave” in MyLeave

Parental Leave Eligibility

In order to qualify for parental leave, an employee must meet the following eligibility requirements:

- Work for 12 consecutive months in a 50% or greater regular appointment at the university immediately prior to the date of birth, adoption, foster care placement or guardianship of a child.
- Have a regular appointment of 50% or greater on the date of birth, adoption, foster care placement or guardianship of a child.

*The Office of Faculty Affairs (OFA) has deemed that all T/TT faculty are eligible for parental leave upon their date of hire, regardless of FMLA eligibility.

Parental Leave Entitlements

University & Classified Staff, Research Faculty: Eligible for 6 months (1,040 hours) of parental leave

- 6 weeks (240 hours) of paid parental leave
- Parental Leave Agreement Form outlines supervisor-approved leave schedule
- Employees remain in a paid status for as long as possible through accrual use

Instructional 9-month Faculty: Eligible for 18 weeks of parental leave

- Tenure/Tenure Track: 18 weeks at full pay
- Other 9-month faculty: 6 weeks at full pay → use accrued sick leave → remainder of leave period paid at 50%

Parental Leave

6 months or 26 weeks (1,040 hours) of job protection over 12-month period

Family Medical Leave (FMLA)

12 weeks (480 hours)

Parental Leave

14 weeks (560 hours)

Short-term Disability Waiting Period 29-30 days	Short-term Disability 2-4 weeks at 60% pay	Paid Parental Leave 6 weeks (240 hours)	Sick leave/Annual leave/ Unpaid leave Amount of time will vary
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*Employees may use sick leave, annual leave, unpaid leave, or paid parental leave during STD waiting period
*must exhaust sick leave**

OR

Paid Parental Leave 6 weeks (240 hours)	Sick leave/Annual leave/ Unpaid leave Amount of time will vary
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 = Type of job-protected leave
 = Pay options

Suggested Payroll Actions

- **Block Leave**

- Paid Leave of Absence in HCM, effective start date of leave
 - Action Reason: Parental Leave
 - Switch Action Reason to FMLA once paid parental leave has exhausted
 - Switch Action Reason back to Parental Leave once FMLA period has exhausted
- MyLeave reporting = PPL (6 weeks) > FMLA (6 weeks) > Sick Leave (time may vary)
- If employee will exhaust accruals during block leave:
 - Unpaid Leave of Absence, effective first date of unpaid leave
 - Action Reason: Parental Leave or Family Medical Leave, depending on how far along in their leave the employee exhausts accruals
- Return to work, effective first day back at work

- **Intermittent Leave/Reduced Schedule**

- No action in HCM
- Same MyLeave reporting instructions as above

Short-Term Disability

- Managed by the [Benefits Office](#)
- Cases are outsourced to the Standard insurance company
- Disability Period = period in which an employee is eligible to receive pay
 - Maximum disability period = 6 months from date of disability
 - Childbirth disability period = 6 weeks natural birth, 8 weeks cesarean section
- Application waiting period
 - Faculty, University Staff, Research Faculty: typically, 29 days OR after the exhaustion of sick leave accruals, whichever occurs later
 - Classified Staff: 30 days
 - Can supplement time with vacation or paid parental leave (PPL) after sick leave exhausts
- Runs concurrently with FMLA and Parental Leave
- While receiving disability pay from the Standard, employees are placed in an unpaid status at CU, unless they have requested and are eligible for make-whole benefits

On-the-Job Injury

- OJI is when an employee is injured during the course and scope of their employment and files a Workers' Compensation claim.
 - Workers' Compensation is a type of insurance coverage that employers must provide
- The employee sees a Designated Medical Provider (DMP) and the university pays for medical expenses and leave related to the injury, if the employee is eligible.

HRL and/or Supervisor Responsibilities:

- Verify that injury is reported as soon as possible through completion of [Injury Report Form](#)
- Confirm that employee is providing you and OJI administrator (Leave Team or department) a copy of Physician's Reports following every DMP appointment
- Partner with OJI administrator to determine if any workplace restrictions can be met
- Inform URM or OJI administrator if the injured employee is unable to return to work for any reason related to the injury
- Track and report any lost time the employee has in relation to their Workers' Comp claim to URM and the OJI administrator
- Communicate with OJI administrator and URM regularly and as requested to ensure the employee's claim is being processed correctly
- Ensure employee is accurately reporting their leave

More OJI Information

The University Risk Management website is a helpful resource and provides the required forms and guidelines for the OJI process.

www.cu.edu/risk

If your department would like more in-depth information or guidance on the university OJI process, please contact your Employee Relations Consultant or Taylor Craven to request an additional information session.

Contact Us

- Questions and leave requests can be sent to Leave@Colorado.Edu
- Taylor Craven (Program Manager): Taylor.Craven@Colorado.Edu
- Jayna Davis (Team Lead): Jayna.Davis@Colorado.Edu
- Cynthia Comfort (Coordinator): Cynthia.Comfort@Colorado.Edu
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You can also submit a question or request through the “Contact HR” link at the very bottom of the Boulder HR website