



Human Resources
UNIVERSITY OF COLORADO BOULDER

Family Medical Leave Act and Parental Leave

Supervisor Information Session

July 21, 2021

Overview

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

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 supervisor to inform the FMLA administrator 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 a supervisor, to recognize when your 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.

Certification Process

1. Employee requests leave or is referred to an FMLA administrator
2. FMLA administrator determines eligibility and sends a notice to document eligibility
 - If eligible, administrator will send a Medical Certification (for employee or family member)
 - If ineligible, a reason will be provided
3. Employee returns certification – should not be shared with supervisor, only FMLA administrator
 - Keeps process neutral
 - Protects employee privacy
 - Lessens employer/supervisor risk for interference or retaliation
4. FMLA administrator reviews Medical Certification and sends Designation Notice
5. Employee takes leave and FMLA administrator tracks against FMLA entitlement
 - FMLA administrator should provide reporting instructions
6. Employee will be required to submit a Fitness to Return Certification, if applicable
7. If restrictions are in place, FMLA administrator works with supervisor to see if the employee can return and perform the essential functions of their role or if there is work within the unit that can temporarily meet the restrictions

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 has deemed that all T/TT faculty are eligible for parental leave upon their date of hire, regardless of FMLA eligibility.

Parental Leave Entitlement

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

- 6 weeks (240 hours) of paid parental leave
 - Classified Staff are eligible for an additional 2 weeks (80 hours) of PFML
- 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

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

On-the-Job Injury (OJI)

- 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.

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 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

Supervisor Responsibilities

When an employee is on any form of leave, it is your responsibility to:

- Ensure that FMLA or related leave usage is accurately reported
- Clarify if absences are related to the approved leave designation
- Manage and plan for coverage of job duties
- Refrain from communication with the employee regarding work responsibilities, unless critical
- Ensure employee's position and work environment remain equivalent
- Report any suspected FMLA abuse to HR (Employee Relations)
- Help employees feel supported

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