Employee Toolkit
Navigating Family Medical Leave

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FMLA Overview

What is FMLA?
The Family and Medical Leave Act (FMLA) is a federal regulation that entitles eligible faculty/staff members (employees) to up to 12 weeks (13 weeks for classified staff) of job-protected leave and benefits continuation for qualifying events including:

- The employee’s own serious health condition
- A family member’s serious health condition (spouse, parent, or child under the age of 18)
- The birth or care of a newborn child
- The adoption or foster care of a child
- Qualifying military exigencies
- Military caregiver leave (up to 26 weeks)

Types of FMLA Leave
There are two types of FMLA leave.

1) Continuous or Block Leave
   Leave is for a consecutive number of days.
   Tracking Block Leave:
   When an employee is designated for continuous, block leave s/he will be provided job-protected leave for a single period of time based on a Medical Certification completed by a medical provider. The supervisor is provided with a leave duration, as well as a return to work date. The FMLA Coordinator will reach out to the employee at least one week prior to the return to work date and confirm that s/he does not need to extend the leave and is medically fit to return (if applicable). The supervisor will be copied on this confirmation email. If the employee does not show up on the return to work date, the supervisor should contact Human Resources who will attempt to reach out to the employee.

2) Intermittent Leave
   Leave is taken in separate blocks of time or a reduced schedule is implemented.
   Tracking Intermittent Leave:
   While an employee is taking intermittent leave, the need for leave may not be foreseeable or predictable. However, the medical provider will be able to estimate the frequency of the leave. When the employee is designated leave, a general leave schedule should be provided to the supervisor. If the employee is taking more leave than approved, it is the supervisor’s responsibility to contact Human Resources. Human Resources will obtain additional medical documentation from the employee, and any leave taken that is not documented in the leave schedule, will be considered unauthorized under the FMLA.
Who is Eligible for FMLA?
In order to be eligible for FMLA leave, the employee must:

- Be employed at the University for at least 12 months
- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

OR

- Be employed at a state employer for 12 months (Classified Staff Only)

How Does FMLA Work?
If the employee is taking FMLA leave for his/her own serious health condition or pregnancy:
The employee must submit a Medical Certification that will require information from the medical provider. The medical certification will be reviewed to ensure the need for leave is qualified under the Family and Medical Leave Act. The University requires that the employee substitute available paid leave (sick and annual) for unpaid FMLA leave. If the employee’s leave has a duration of 29 consecutive calendar days (30 calendar days for Classified Staff), short-term disability (STD) pay may apply. Employees who elect to remain out of work longer than the disability period (such as after the birth of a child), will use their remaining sick and annual time as pay during the leave. If the employee does not have any sick or annual time left, the employee’s leave will be unpaid.

If the employee is taking FMLA leave for a family member’s serious health condition:
The employee must submit a Medical Certification that will require information from the medical provider for the family member’s medical condition. The Medical Certification will be reviewed to ensure the need for leave is qualified under the Family and Medical Leave Act. The employee will be required to substitute available paid leave (sick and annual) for unpaid FMLA leave. If the employee does not have any accrued time, the leave will be unpaid.

Benefits and Payroll Deductions
During the FMLA leave period, there are certain payroll deductions that will continue as long as the employee is on paid leave. These deductions include medical, dental, life insurance, retirement contributions, parking, Rec Center membership, etc. Should any portion of the leave go unpaid, the employee will maintain coverage under CU’s benefit plans. CU will continue to pay the employer portion of the premium while the employee is on leave. The employee will need to arrange to continue to pay his/her share of the premium. The employee is ultimately responsible for managing his/her benefits while on leave. The Benefits Office can be reached at 303-860-4200.
FMLA Employee Checklist

✓ The employee should complete the **Family Medical Leave Request Form** and send to the FMLA Coordinator (FMLA@colorado.edu).
  - The Leave request form can be found here: [https://www.colorado.edu/hr/employees/leave/family-medical-leave-act-fmla-employees](https://www.colorado.edu/hr/employees/leave/family-medical-leave-act-fmla-employees)

✓ Human Resources will contact the employee within five business days, to notify him/her of his/her FMLA eligibility. If the employee is eligible to apply for FMLA, s/he will be required to provide a Medical Certification, in accordance with the Federal requirements.

✓ The **Medical Certification** must be completed by the treating medical provider and returned to Human Resources within 15 calendar days (absent extenuating circumstances).

✓ If approved for FMLA, the employee should review the designation e-mail from Human Resources to ensure the FMLA start and end dates are correct (or intermittent leave schedule)

✓ The employee should stay up-to-date with his/her sick and annual leave balances to ensure s/he knows how much of his/her FMLA leave will be paid and/or unpaid.

✓ The employee should accurately enter all FMLA time into MyLeave (or department specific time keeping system) and follow proper department call out procedures. The employee is responsible for submitting his/her timesheet on a monthly basis.

✓ The employee should meet with his/her supervisor prior to the start of leave (if possible) to review any work related information s/he needs to share with them such as:
  - Project status updates
  - Day to day tasks
  - Contacts or information you may only have access to

✓ **Fitness to Return**
  - If an employee is taking leave for his/her own medical condition, s/he will be required to submit a Fitness to Return Certification, before returning to work.
Family Medical Leave Act (FMLA) Process

Employee requests FMLA by submitting Leave Request Form to supervisor and FMLA Coordinator.

Supervisor receives Leave Request Form (no action needed).

Is employee eligible for FMLA?

- Yes: Coordinator requests medical certification and additional information. Supervisor should review designation email and direct all questions to FMLA Coordinator. Review Supervisor Toolkit.
- No: Employee is notified of ineligibility (and reasoning). ADA information is given.

Employee reviews designation email and follows appropriate policies while on leave. Checks-in with supervisor as necessary.

Coordinator works directly with employee to determine FMLA eligibility.

Coordinator requests medical certification and additional information. Employee is notified of ineligibility (and reasoning). ADA information is given.

Coordinator will send Designation Notice email to employee and supervisor. HRSC is copied for HCM entry, if applicable.

FMLA Coordinator will track FMLA leave until leave exhaustion or the case is closed.

Supervisor may receive notice of intermittent leave and should acknowledge request.
Employee Rights & Responsibilities

Prior to Leave
If the need for leave is foreseeable, the employee should apply for FMLA at least 30 days prior to the start date of the leave. The employee will submit a Family Medical Leave Request Form and work with the FMLA Coordinator to determine eligibility, provide a Medical Certification completed by the employee’s medical provider, and receive a Designation Notice approving the Family Medical Leave. The employee’s supervisor will be notified that the leave has been approved and will be given an outline of the employee’s Family Medical Leave plan. The supervisor will not be given medical information. If the leave is not eligible for FMLA, the FMLA Coordinator will notify the employee in writing, and may provide alternative resources to the employee if applicable.

During Leave
Block Leave: When an employee is taking a block period of leave, s/he should not be working at any capacity. The employee should be reporting his/her FMLA leave in MyLeave, or the department specific time keeping system, and submitting his/her timesheets on a monthly basis for payroll processing. If the employee is unable to report his/her leave and submit his/her timesheets, the employee’s supervisor will be responsible for doing so.

Intermittent Leave: The employee should follow departmental procedures for requesting time off/calling in sick/calling in late/leaving early when they need to use intermittent Family Medical Leave. The employee should notify the FMLA Coordinator when they are going to report intermittent Family Medical Leave to ensure proper leave tracking. The employee needs to report the leave as “Family Medical Leave” in MyLeave, or the department specific time keeping system, and submit his/her timesheet on a monthly basis for payroll processing.

Returning to Work
Upon returning from FMLA, the employee will be returned to the same position s/he held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

One week before the scheduled return to work date, the FMLA Coordinator will check-in with the employee and the employee’s supervisor to ensure there is no need for additional leave. An employee returning to work because of his/her own serious health condition will be required to present written documentation from his/her health care provider that s/he is able to return to work. The employee’s return to work will be delayed until the required FTR is provided.
**Employee FAQs**

**What is a serious health condition?**
The most common serious health conditions that qualify for FMLA leave are:
- Conditions requiring an overnight stay in a hospital or other medical care facility
- Conditions that incapacitate you or your family member (unable to attend work or school) for more than three consecutive days and have ongoing medical treatment
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by your healthcare provider at least twice per year
- Pregnancy

**Am I required to submit a Medical Certification?**
Yes. University practice is for all employees to provide a complete and sufficient Medical Certification when requesting Family Medical Leave.

**Is my medical information confidential?**
Yes. Medical information is highly confidential and is only shared between the employee and the FMLA Coordinator. Employees are encouraged to keep their medical information confidential as well.

**Is adoption covered under the FMLA? What kind of documentation does the employee need to provide?**
Yes, adoption and foster care placement qualifies under the FMLA. Employees will need to provide one or more of the following documents to be approved for Family Medical Leave: birth certificate, court documents, adoption agency documents and/or communication.

**Is FMLA leave unpaid?**
Family Medical Leave is a form of unpaid, job-protected leave. The university requires employees to use his/her accrued sick leave when s/he is on Family Medical Leave. When the employee’s sick leave exhausts, s/he is required to use his/her annual leave. After annual leave exhausts, the leave will be unpaid.

**Who qualifies as a “family member” under the FMLA?**
Family members include spouses, domestic partners, and partners in a civil union, children, and parents. The FMLA does not cover siblings, in-laws, grandparents, or cousins.

**How do FMLA and Parental Leave work together?**
FMLA and Parental Leave run concurrently. FMLA and Parental leave are tracked together, once the child has been born, adopted or placed in foster care. FMLA may start prior to Parental Leave if the employee has a medical condition that requires them to go out of leave (example: bed rest or pregnancy complications). The University’s Parental Leave policy provides 6 months of unpaid leave.
# Contacts and Resources

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<thead>
<tr>
<th>Family &amp; Medical Leave at CU Boulder</th>
<th>Molly Berry</th>
<th>Administrative Research Center</th>
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<tbody>
<tr>
<td>Parental Leave</td>
<td>Leave Program Manager</td>
<td>3100 Marine St. 3rd Floor</td>
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<tr>
<td></td>
<td>303-492-1107</td>
<td>Boulder, CO 80309</td>
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<td></td>
<td><a href="mailto:Molly.Berry@colorado.edu">Molly.Berry@colorado.edu</a></td>
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<td></td>
<td>Joe Constancia</td>
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<td></td>
<td>Leave Coordinator</td>
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<td>303-735-7607</td>
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<td></td>
<td><a href="mailto:FMLA@Colorado.edu">FMLA@Colorado.edu</a></td>
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<tr>
<td></td>
<td>Stephanie Leon</td>
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<td></td>
<td>Leave Coordinator</td>
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<td>303-735-8179</td>
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<tr>
<th>Short-term Disability and Benefits</th>
<th>Employee Services</th>
<th>1800 Grant St. Suite 400</th>
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<tr>
<td></td>
<td>303-860-4200</td>
<td>Denver, CO 80203</td>
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<td></td>
<td><a href="mailto:employeeservices@cu.edu">employeeservices@cu.edu</a></td>
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| On the Job Injury and Workers Compensation           | Risk Management                          | Marine St. Science Center       |
|-----------------------------------------------------|------------------------------------------|3215 Marine St. Boulder, CO 80303|
|                                                     | urmucbdirs@cu.edu                        |                                 |

| Americans with Disabilities Act (ADA) Office        | ADA Compliance Office                    | Administrative Research Center  |
|-----------------------------------------------------| ADA Coordinator                          | 3100 Marine St. 2nd Floor       |
|                                                     | 303-492-9725                             | Boulder, CO 80309               |
|                                                     | ADAcoordinator@Colorado.edu              |                                 |

| Administrative Research Center                      |                                         |                                 |
|-----------------------------------------------------|------------------------------------------|                                 |
|                                                     |                                         | 3100 Marine St. 3rd Floor        |
|                                                     |                                         | Boulder, CO 80309               |