Supervisor Toolkit
Managing 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 he/she 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 start and end date, 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 he/she 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 is not foreseeable. 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 or more 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 Supervisors Checklist

If an employee requests FMLA leave, or has been out on sick leave for more than three consecutive days, the supervisor should refer the employee to the FMLA Coordinator (FMLA@colorado.edu). The FMLA Coordinator or another member of Human Resources will work with the employee directly to obtain a Medical Certification, and notify the supervisor as soon as the leave has been approved/denied.

If Human Resources has notified the supervisor that an employee has been approved for Family Medical Leave, the supervisor should consider the following:

✓ Review the designation e-mail from Human Resources to ensure the FMLA start and end dates are correct.
✓ Meet with the employee to review any work-related information that needs to be obtained, prior to the employee starting his/her leave (if foreseeable).
   o Project status updates
   o Day to day tasks
   o Obtain any contacts or information
✓ Get the work covered – It is the supervisor’s responsibility to ensure work is completed, even if an employee is out on leave. Work with the department and Human Resources to explore possible options and resources. Human Resources: 303-492-6475.
✓ At least one week before the employee is scheduled to return, work with Human Resources to ensure employee has returned or will be returning a “Fitness to Return” certification.
✓ Once there is confirmation that the employee will be returning to work on the scheduled return to work date, the supervisor should prepare for the employee’s transition back into his/her role.
FMLA Process Map

Family Medical Leave Act (FMLA) Process

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

Supervisor
- Supervisor receives Leave Request Form (no action needed).
- Supervisor should review designation email and direct all questions to FMLA Coordinator. Review Supervisor Toolkit.
- Supervisor may receive notice of intermittent leave and should acknowledge request.

FMLA Coordinator
- Coordinator works directly with employee to determine FMLA eligibility.
- Coordinator requests medical certification and additional information.
- 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.

Flowchart:

1. Employee requests FMLA by submitting Leave Request Form to supervisor and FMLA Coordinator.
2. Supervisor receives Leave Request Form (no action needed).
3. Supervisor should review designation email and direct all questions to FMLA Coordinator. Review Supervisor Toolkit.
4. Supervisor may receive notice of intermittent leave and should acknowledge request.
5. Coordinator works directly with employee to determine FMLA eligibility.
6. Coordinator requests medical certification and additional information.
7. Coordinator will send Designation Notice email to employee and supervisor. HRSC is copied for HCM entry, if applicable.
8. FMLA Coordinator will track FMLA leave until leave exhaustion or the case is closed.
Supervisor Rights & Responsibilities

Prior to Leave
Before an employee begins Family Medical Leave (if block leave), Human Resources recommends meeting with the employee to discuss the following:

- Updates on projects/day to day tasks
- Information sharing for the employee to provide any work related updates to the supervisor

When an employee is out on leave, he/she will not be working in any capacity. If possible, please ensure all necessary information is obtained from the employee prior to the start of the leave.

If the employee has started leave unexpectedly, the supervisor will not have had the opportunity to gather this information from the employee and should not burden the employee with work-related questions and tasks.

Please note: Supervisors and colleagues should not ask or request any information related to the employee’s medical condition. Supervisors will not have access to review any medical information provided by the employee. If a supervisor has any questions or concerns related to the employee’s medical leave, please contact Human Resources at FMLA@colorado.edu.

Returning the Employee to Work
When an employee returns to work, the FMLA requires that the employer return them to the same job that he/she was in when the leave began, or one that is nearly identical. If it is not possible to return the employee to the exact same job, the new position must:

- Involve the same or substantially similar duties, responsibilities, and status
- Include the same general level of skill, effort, responsibility and authority
- Offer identical pay, including equivalent premium pay, overtime and bonus opportunities
- Offer identical benefits (such as life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, etc.);
- Offer the same general work schedule, and be at the same (or nearby) location.
- Please keep in mind that if an employee exhausts the FMLA leave entitlement and is unable to return to work, the employer is not required to restore the employee to his/her position.
Supervisor FAQs

Do I have the option to delay FMLA if our department is busy?
No. If the employee is eligible and approved for FMLA, he/she is entitled to the leave.

When should I start the FMLA Process?
The supervisor should contact Human Resources to initiate the FMLA process when an employee informs them that he/she needs time off for a reason that may be covered by the FMLA. The employee may not be as clear as to mention the “FMLA” when asking for the time off, but the supervisor should be aware that the reason might qualify for FMLA. When in doubt, contact Human Resources.

Is it my responsibility to confirm if the employee is eligible for FMLA?
No. Human Resources will work directly with the employee to confirm eligibility.

An employee has been approved for intermittent leave. Can I ask the employee to work with me to schedule the leave, or can he/she schedule the leave when it is convenient for him/her?
It depends. Some leave is unforeseeable (ex: for medical flare-ups). The employee should work with the supervisor and make a reasonable effort to schedule appointments or foreseeable leave at a time that will not disrupt the work of the department.

Does an employee need to exhaust sick and annual leave before he/she can start FMLA?
No. Sick and annual leave run concurrently with Family Medical Leave.

Can I (the supervisor) confirm that sick time was used for the FMLA qualifying condition?
Yes. If the supervisor is aware that an employee used sick time, the supervisor can check-in with the employee to see if that time was related to the FMLA qualifying condition or if the time was used for another reason (the flu, a cold, etc.).
## Contacts and Resources

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

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<tr>
<th>On the Job Injury and Workers Compensation</th>
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<tbody>
<tr>
<td>Risk Management</td>
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<tr>
<td><a href="mailto:urmucbdirs@cu.edu">urmucbdirs@cu.edu</a></td>
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| Marine St. Science Center                 |
| 3215 Marine St.                           |
| Boulder, CO 80303                         |

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<thead>
<tr>
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<tbody>
<tr>
<td>ADA Compliance Office</td>
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<tr>
<td>ADA Coordinator</td>
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<tr>
<td>303-492-9725</td>
</tr>
<tr>
<td><a href="mailto:ADAcoordinator@Colorado.edu">ADAcoordinator@Colorado.edu</a></td>
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