



Family Medical Leave Overview

Family Medical Leave is a federal law that requires employers to provide employees with 12 weeks or 480 hours of job-protected leave for qualified medical and family reasons. Employees are eligible if they have worked 1,250 hours during the 12 months prior to the leave. At FGCU A&P, SP, Faculty and OPS employees may be eligible for leave.

Qualifying Reasons

- Birth or placement of a child for adoption or foster care within one year
- To care for a spouse, child or parent with a serious health condition
- For the employee's own serious health condition
- Because of a qualifying exigency arising out of active duty status of a covered military member who is the spouse, child, parent or next of kin
- To care for a "covered service member" with a serious injury or health condition

If both spouses work for the same employer, they can only use a combined total of 12 weeks for the same event. (ie. Birth of child)

Definitions

- **Child:** Biological, adopted, step- or foster child of a person in loco parentis who is under the age of 18, or 18 years or older and incapable of self-care because of mental or physical disability. A child who is an active service member can be of any age.
- **In loco parentis:** The individual who has had day-to-day responsibility for the child.
- **Spouse:** A husband or wife as defined by state law.
- **Parent:** Biological, adoptive, step-, or foster care mother or father or someone who stands or stood in loco parentis to the employee when the employee was under age 18. Does not include parent-in-law.
- **Serious Health Condition:** Illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider

Methods of Leave

- Full time
- Intermittently
- Reduced Schedule

Pay & Benefits

Although FMLA does not require the employer to provide paid leave, FGCU requires employees to use accrued and unused leave, such as annual, sick, or other compensatory leave. If an employee does not have accrued leave or the leave balances are depleted during the FMLA leave, the remainder of the FMLA-designated leave will be unpaid. If eligible, an employee may use hours received from the Sick Leave Pool or hours received from personal leave donations to remain in a paid status. If an employee on an approved FMLA leave of absence is in a unpaid status, the leave coordinator should be contacted to make arrangements to pay the employee portion of applicable insurance premiums so that coverage may stay in effect.

Employee Responsibilities

- Provide sufficient and timely notice of the need for leave 30 days or as soon as practicable
- Provide medical certification to support need for leave within 15 days
- Provide periodic status reports if needed
- Notify employer about status and intent to return to work
- Provide fitness for duty certification upon return

FGCU requires certification that employee is physically and mentally ready to return to his/her job after leave.

Employer Responsibilities

- Maintain employee's group health benefits throughout the 12 weeks on the same terms and conditions as if the employee were continuously employed (same rates as actively employed)
- Restore employee to same or equivalent job (pay, benefits, and terms and conditions)

Other Leave Options

- **Medical Leave** – to be used when not eligible for FMLA. Can be paid or unpaid if sick leave is not available
- **Sick Leave Pool** – If employee uses all available accrued leave, they may be eligible for hours from the pool (if enrolled)
- **Personal Leave Donations** – If employee uses all available accrued leave, may be eligible to receive donated hours from other employees

SLP and Leave Donations cannot exceed 480 hours combined