# A Guide to the Family Medical Leave Act (FMLA)

## Regular Faculty and Staff – Birth/Adoption of a Child

### Qualification for FMLA

- Employee worked 1040 hours in the 12-month period prior to the date leave is requested to begin
- Employed as a state/USM employee for a minimum of 12 months total, within the past seven years

### Qualifying Reasons to take Leave

- Pregnancy complications and pre-natal care
- Parent of a baby under age one
- Within one year of adopting a child under age 18 (includes time spent preparing for the adoption)
- Fostering a child
- In Loco Parentis (an individual who has day-to-day responsibilities to care for a child)

### Leave Entitlement (based on percentage of full-time employment)

- Maximum of 12 weeks within a 12-month period and may be taken intermittently
- FMLA starts with the first date of absence due to a qualifying reason
- Employees need not take the full 12 weeks, nor take the leave all in one chunk
    - If taking time intermittently, the schedule must be approved by the supervisor; this includes semester long course releases for faculty
- If leave is taken by an employee giving birth, return to work is contingent upon a release from the medical provider
- Leave must be completed by the baby's first birthday or within one year of the adoption

### Leave and Benefits while on FMLA

- Paid leave must be exhausted prior to leave without pay. Leave will accrue as usual while in a paid status.
- Group health coverage is maintained on the same terms as if the employee continued to work. However, an employer may recover the costs to maintain the employee's benefit coverage when on unpaid leave if an employee fails to return to work for at least 30 days following leave.
- Notify the Office of Human Resources as soon as possible after birth/adoption of the child to enroll the child in any benefit plans. The child cannot be added more than 60 days after the birth or adoption, except during open enrollment or following a qualifying event.
- Restoration to the same or equivalent position upon return from leave, subject to the normal operating schedule and terms of employment.
- Key employees (top 10% in terms of compensation) may not be entitled to restoration upon conclusion of FMLA if it will result in substantial and grievous economic injury to an employer.
- TU may temporarily reassign an employee on intermittent FMLA to an alternative position that better accommodates reduced or intermittent periods of leave.

## Pay During FMLA

- Subject to the provisions of the USM policies on parental leave for faculty and parental leave for staff, eligible employees may be able to use parental leave.
- Employees with eight weeks or more of their own accrued leave are not eligible for parental leave.
- All paid leave; from any source, runs concurrent with FMLA.

## Faculty Only – Course Release

- One, three-credit, course is the equivalent of 160 hours of leave/work. Parental leave is a maximum of 320 hours (eight weeks). As such, two courses is the equivalent of eight weeks of leave under the Parental Leave policy. If otherwise eligible, accrued sick leave must be used first before being eligible for parental leave. If the faculty member is using the course release option, they must use 160 hours of leave during the semester in which they have the course release.
- Example:
  An eligible faculty member requests release from one course. The faculty member would use four weeks of accrued sick leave. If the accrued sick leave were less than 160 hours, the balance of paid leave would be paid from parental leave. How leave is recorded on the time sheets depends upon the faculty member's workload agreement.

## Timesheet Codes

Use appropriate time sheet codes below. Indicate "FMLA" in the remarks section.

- SLADP – Sick Leave while out due to the birth, adoption, or foster care placement.
- PLUSE **(staff only)** – Personal leave.
- Sections for annual leave **(staff only)** and holidays appear on the time sheet; there is no code.
- PARLV – parental leave, if eligible.
- FMLA – Unpaid FMLA after all accrued and granted leave is exhausted.

## Notice of Leave

Contact the Office of Human Resources, Employee Benefits Unit, prior to taking leave. The leave specialist will consult with you on your need for FMLA. Regardless of the reason for leave, an employee shall provide complete, accurate, and timely information related to a request for, continuation of, modification(s) to, and return from leave.

## Required FMLA Forms

- *Faculty/Staff Request for Family Medical Leave*
  - To be completed by the employee, 30 days prior to the start of leave, or within two days of the first day of absence, when leave is unexpected
  - Signed by the employee and supervisor, then forwarded to Employee Benefits

- *Certification of Health Care Provider*
  - To be completed by the medical provider, 30 days prior to the start of leave, or within 15 days of the first day of absence, when leave is unexpected
  - Signed by the employee and the medical provider, then submitted directly to Employee Benefits

If you have questions about FMLA, please email leavebenefits@towson.edu.

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