

# Family and Medical Leave Act (FMLA)

## Overview :

- x Unpaid job-protected leave
- x Classified Staff: up to 13 weeks of leave/12 month period
- x PA/Faculty: up to 12 weeks of leave/12 month period
- x Employees maintain health benefits while on leave

## Eligibility:

- x Employee has worked for UNC for at least 12 months
- x Has worked 1,250 hours in the last 12 months

## Qualifying Reasons for Leave:

- x The birth of a child
- x Adoption/foster care of a child
- x Employee's serious health condition
- x Care for a family member with a serious health condition
- x Qualifying exigency arising out of the fact that an employee's family member is a military member on covered active duty

## Employee Responsibilities:

- x Provide notice of their need for FMLA leave
  - o May be oral or written
- x Notice given at least 30 days in advance of need for leave when the leave is foreseeable

## Definitions:

- x Serious Health Condition - a condition that makes the employee unable to perform the functions of his or her job
- x Family Member - Spouse, Parent, Child

## During FMLA Leave:

- x Must substitute paid leave (sick & vacation) while out of work
- x Will have to pay their portion of benefit premiums when unable to withhold from pay
- x Submit a Fitness-for-Duty Certification prior to returning to work

## Employer Prohibitions :

- x Refusing to authorize FMLA leave
- x Discouraging an employee from using leave
- x Manipulating work hours to avoid employee eligibility
- x Retaliating against an employee for using FMLA leave as a negative factor in employment actions
- x Discharging/discriminating against, retaliating against an employee who is involved in any proceeding

## Employee Required Documents :

- x Certification of Health Care Provider
- x Family Relationship Documentation

## Notifications Provided by Human Resources :

- x Notice of Eligibility
- x Notice of Rights and Responsibilities
- x Designation Notice