Family and Medical Leave Act of 1993
Family and Medical Leave (FML)

- Provides eligible faculty and staff members up to 12 work weeks (480 hours) of leave during any 12-month period for one or more qualifying events.
Eligibility Requirements

1) Employed by the University for a total of 12 months
   AND
2) Worked 1,040 hours in the previous 12 months
   AND
3) Have a qualifying FML event
Qualifying Events

• A serious personal health condition that prevents an employee from performing his or her job

• Care for an immediate family member who has a serious health condition

• Care for a child during the first year following birth, adoption, or foster care placement
What is a “serious health condition?”

- An illness, injury, impairment, or physical/mental condition that meets any one of the following:
  1. Involves inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care
What is a “serious health condition”?

2. Continuing treatment by a health care provider that consists of a period of incapacity for more than three (3) consecutive days that also involves treatment two (2) or more times by a health care provider OR treatment at least once by a health care provider which results in a regimen of continuing treatment
What is a “serious health condition?”

3. Periods of incapacity related to pregnancy and childbirth, including prenatal care

4. Chronic conditions – episodic incapacity
Examples of serious health conditions

- Heart Attacks
- Pneumonia
- Severe Arthritis
- Migraines
- Epilepsy
- Mental Illness
- Treatment for Substance Abuse
- Cancer
- Asthma
- Appendicitis

- Back conditions requiring extensive therapy or surgery
- Pregnancy/Miscarriage
- Allergies
- Diabetes
- Chronic Fatigue Syndrome
- Chemotherapy, Dialysis, Physical Therapy
FML is not intended to cover short-term illnesses that do not meet the definition of a serious health condition, where treatment and recovery are brief:

- Common Cold
- Earaches
- Periodontal Disease
- Substance Abuse
- Flu
- Upset Stomach
- Headache
Immediate Family Members

- Spouse
- Domestic Partner*
- Mother / Father
- Sister / Brother
- Son / Daughter
- Grandparent
- Grandchild
- Loco parentis to employee as a child
- Mother/Father-In-Law
- Sister/Brother-In-Law
- Son/Daughter-In-Law
- Grandparent-In-Law
- Grandchild-In-Law
- Corresponding relatives of employee’s partner*
- Other persons for whom the employee is legally responsible
Immediate Family Members

* To use leave for the care of a domestic partner or the corresponding relative of the partner, a completed and notarized Affidavit of Domestic Partnership form must be on file with the Office of Human Resources, Benefits Services.
Employee’s Responsibilities

• When a qualifying event is foreseen:
  - Verbal notice should be given as far in advance as possible, and
  - Satisfactory written medical documentation (an OSU Medical Certification Statement for Leave form) should be submitted 30 days prior to the leave.
Employee’s Responsibilities

• When a qualifying event is immediate or unforeseen:
  – Notice should be given as soon as practical, within one to two days of when the need for leave becomes known to the employee, and

Satisfactory written medical documentation (an OSU Medical Certification Statement for Leave) must be submitted within 15 calendar days of notice.
Employee’s Responsibilities

• The employee must present a fitness-for-duty certificate from the health care provider before returning to work after a personal serious health condition.

• Failure to provide satisfactory written medical documentation may result in leave being denied or return to work being delayed!
Employer/Supervisor Responsibilities

• Comply with the federal guidelines by posting the notice to employees of their rights under the Family and Medical Leave Act.

• Inform employee of his / her FML rights and obligations.

• Notify employees in writing of potential eligibility for FML.
Employer/Supervisor Responsibilities

• Review submitted documentation and determine if qualifying event criteria has been met. Notify employee in writing of decision to approve / disapprove leave.

• Maintain records of employee leave balances and supporting documentation, and provide current FML balances upon request.
Paid and/or Unpaid FML

- FML should be taken as paid sick leave

- If sick leave balances are insufficient, FML may be taken as vacation, comp time, or leave without pay

- Time taken will be counted concurrently toward both FML and the appropriate paid or unpaid leave
Continuation of Benefits

• While on **paid** FML, the employee’s premiums, if enrolled for medical, dental, vision, and dependent group life insurance continue to be deducted from the employee’s pay.

• While on **unpaid** FML, the University pays the premiums, if enrolled for medical, dental, vision, and dependent group life insurance.
Use of FML

- The 12 weeks (480.0 hours) of FML may be taken:
  - All at once
  - Intermittently
  - On a reduced leave schedule as approved
FML Facts

• FML balances are determined on a rolling 12-month period, measured backward from the date FML is to be used.

• When the University employs immediate family members, each is eligible for up to 12 weeks of FML following all required policies and procedures.
FML Facts

• The University has the right to request a second opinion if the validity of a medical certification is questioned.

Medical certification is confidential and must be maintained separately from the employee’s personnel file.
FMLA Liability

Courts have increasingly ruled that managers and supervisors can be held **individually liable** – they can be ordered to pay damages to ill / injured employees, for FMLA violations.
FMLA Buzz Words

- Serious
- Child
- Pregnancy
- Hospital
- Treatments
FML and Timekeeping

• Once an employee’s time is approved as FML in FME, it cannot be changed, even if the time should not have been entered as FML.

• Do not enter/approve an employee’s time as FML unless you receive notification from HR, either by e-mail or through a copy of the letter to the employee.
Potential FML Situations

- Off work more than three (3) consecutive days for own serious illness or injury
- Off work more than three (3) consecutive days to care for immediate family member
- Misses work intermittently for the same reason (ex: migraines, high blood pressure, etc.)
- Misses work intermittently for medical care and/or treatment
If any of these buzz words or situations arise, supervisors should contact …

Jeff Tracey (tracey.6@osu.edu, 2-2431) – for Facilities Administration
Stefanie Edwards (edwards.478@osu.edu, 2-2431) – for Campus Dining Services
Jill Whitney (whitney.64@osu.edu, 2-2431) – for Blackwell, Housing, HR, Business Services, VP office
Deb Miller (miller.290@osu.edu, 2-2431) - for Fawcett Center, Ohio Union, Younkin Success Center, Multicultural Center, Parents Association, Student Judicial Affairs, Student Advocacy Center, Planning & Student Development, New Student Orientation, Off Campus Student Services, Student Housing Legal Clinic

Upon notification from the supervisor, the Student Affairs HR office will issue a letter of notification of potential eligibility for FML to the employee.