



UNIVERSITY OF
SOUTHERN MAINE

Q & A on the Family & Medical Leave Act (FMLA):

1. When can an employee use FML?
 - Birth or adoption of a child
 - Placement of a foster child
 - Employee's serious medical condition
 - Serious medical condition of an immediate family member

2. How many weeks are covered under the FMLA?
 - FMLA covers 12 wks every **rolling** calendar year. This means that an employee is entitled to 12 weeks of leave in the 12-month period starting from when the leave begins.

3. When does an employee qualify for FML?
 - All employees are eligible for FML as long as they have worked at least 12 months at USM and have worked at least 1250 hrs in the 12 mths prior to the date the leave commences.
 - Full-time faculty are deemed to have met the 1250 hrs as long as they have been employed at USM for one year.

4. What is a "serious health condition"?
 - A Serious Health Condition is any condition that involves hospitalization or other institutionalization or continuing treatment by a health care provider.
 - Continuing treatment by a health care provider must include a period of incapacity (absence from work) of more than three consecutive calendar days.

5. What types of conditions are typically **not** covered under the FMLA?

- Each request for FML is evaluated on a case-by-case basis based on the Certification of Health Care Provider form. Some examples of conditions not covered by FML would be: the common cold, the flu, and minor problems due to ulcers.

6. What is the definition of a “family member”?

- Spouse, child, parent
- Domestic partners are not covered
- Siblings and in-laws are not covered

7. What forms are required?

- A Request for FML Form is required which gets signed by the Dean and then sent to the Benefits Office for approval.
- A Certification of Health Care Provider Form must be completed by the treating physician and then sent to Claire Hassler in the Benefits Office. This form is required for any FML except for maternity leave (unless the mother needs to take time off for medical reasons **before** giving birth).

8. Does an employee need to stay out of work full-time while on FML?

- FML leave can be taken on an intermittent basis or an employee might work a reduced schedule. The form of the leave is based on medical necessity. The time period for FML is 12 weeks or 480 hours.

9. When does an employee need to report a leave as FML?

- Once an employee knows that they will be out of work for two weeks or more they should complete the FML paperwork and notify the Benefits Office. This two-week period includes intermittent days if they total 14 days and are all due to the same medical reason.

10. Does the employee get paid for FML?

- FML **does not** guarantee that an employee will be paid. The employee must use their available sick time and then their vacation time if applicable (with the option of retaining one week of vacation). In the case of most faculty members, who do not have vacation time, the employee is on unpaid leave once their sick time is exhausted.

11. How much sick time can a mother use for maternity leave?

- The amount of sick time for a regular childbirth is 6 weeks. The length of time is extended to 8 weeks for a c-section. If a woman is taken out of work prior to the birth for medical reasons, the employee can use additional sick time (a medical certification is required). Note: The 12 week period for FML includes the time prior to the birth as well as the time after the birth. FML must be taken within one year of the birth.

12. What happens to an employee's benefits while on FML?

- The employee's benefits continue at the low employee rate (what the employee normally pays out of their paycheck) as long as the employee is under FML. If the employee goes off payroll, the benefit premiums arrear and deductions are taken when the employee returns from leave. If the employee will be off payroll for more than two months, they are billed the premiums on a monthly basis. Payments get sent to the System Office in Bangor.

13. What happens to an employee's job while they are out on FML?

- The University must hold an employee's job while they are out on FML. The employee must be returned to their same or equivalent job.

14. What happens if an employee cannot return to work at the end of their FML?

- If an employee cannot return to work, they must request an unpaid medical leave of absence. At this point in time, their benefit premiums could be increased to the full premium amount (the employee portion as well as the University portion).