

## **Family and Medical Leave Act (FMLA) Information Summary and Paid Family Medical Leave (PFML) Statement of Employee Rights for Academic Personnel**

### **FMLA**

The FMLA allows eligible employees to take up to 12 weeks of job protected leave from work for the reasons and the amount of time described below.

#### **Eligibility**

You are eligible for FMLA covered leave if you:

- have worked for the University for at least 12 months in a benefits eligible capacity; and
- have not exhausted all of your FMLA covered leave for the academic year.

#### **Qualifying Reasons for Family and Medical Leave**

The FMLA covers an eligible employee for up to 12 weeks of unpaid job protected leave from work because of:

- The employee's serious health condition (see definition on page 3)
- The serious health condition of a family member is defined by the University as your spouse or domestic partner, child, parent, grandparent, grandchild, sister, or brother. "Family member" also means individuals in the following relationships with your spouse or domestic partner: child, parent, or grandparent. It also includes those persons in a "step" relationship.
- Parental leave to care for a newborn or newly adopted or placed child if taken within 12 months of the child's birth or placement.
- Because of any qualifying exigency arising out of the fact that your family member is on active duty (or has been notified of an impending call or order to active duty) in the armed forces in support of a contingency operation.

Eligible employees may take up to 26 work weeks of FMLA covered military caregiver leave in a single 12 month period to care for a service member or veteran who is:

- Undergoing medical treatment, recuperation or therapy,
- Otherwise in outpatient status, or
- Otherwise on the temporary disability retired list for a serious injury or illness.

#### **Requesting FMLA Covered Leave**

Employee requests for FMLA leave are made pursuant to their unit's usual leave request procedure. The employee should notify their supervisor that FMLA leave is being requested. Whenever possible, employees are expected to provide a minimum of 30 days advance notice of the need for FMLA leave.

### **Sick and Intermittent Leave Use**

The employee may be eligible to use their paid sick leave while on FMLA leave, if the reason for leave meets all the criteria for using paid sick leave. Generally, FMLA runs concurrently with paid sick leave.

The FMLA also guarantees an employee the right to take FMLA covered leave intermittently or as part of a reduced work schedule when medically necessary.

### **Certification of Leave**

You are required to provide certification from a healthcare provider to support the request for leave. You will need to arrange for completion of the appropriate Health Care Provider Statement, and return it to Academic Human Resources within 15 days of your leave request. Failure to do this may result in a denial or delay approval of your leave request. The University may ask you to provide periodic updates regarding your ability to return to work, and the University may require a second medical opinion at its expense. For leave related to a family member's active duty in the armed services, certification of the family member's military orders or status, or the reason for the leave may be required.

### **Benefits During Leave**

During a leave covered by the FMLA, the University pays the employer-paid portion of health benefits coverage for up to 12 weeks. The employee is responsible for any insurance co-payments, extra premiums to cover family members, life insurance, long term disability insurance, parking fees, or other payroll deductions.

For employees whose leave extends beyond the FMLA-covered period, employer paid health benefits coverage *may* be continued as long as the employee is working a minimum of 5% FTE. Employees who have exhausted sick leave and FMLA may make arrangements for continuation of health care benefits directly with the Benefits Office.

### **Returning to Work and Reinstatement**

Prior to returning to work from FMLA-covered leave, you are required to provide certification from a health care provider that you are fit to return to work. Contact your unit as soon as you know your expected return-to-work date.

Upon returning to work from FMLA-covered leave, you are entitled to be reinstated to the same or an equivalent position you held before your leave, with the same pay, benefits, terms, and conditions of employment. Should your leave extend beyond the period of your FMLA eligibility, the benefits and protections that the FMLA provides will end.

### **Maternal Disability Leave and Parental Leave**

Pregnant women are entitled to disability leave for the period of time that they are temporarily disabled from working in connection with pregnancy or childbirth. Under state regulations, you are eligible for up to 4 months of parental leave.\* For the birth

mother, parental leave is in addition to time off due to temporary pregnancy-related disability. Parental leave runs concurrently with FMLA leave. If you wish to take leave to care for a new child on an intermittent or reduced schedule, you must obtain your unit's approval.

\*Parental leave for anyone other than the birth mother is unpaid unless time off is needed to provide care for the birth mother or new child's serious health condition.

<b>FMLA Definitions for Serious Health Condition</b>		
<b>Nature of Absence or Condition</b>	<b>Defined as</b>	<b>Example</b>
Inpatient Care	Any period of incapacity* from a condition requiring inpatient care, including recovery from the condition	Hospitalization, post-surgery examinations
Incapacity for more than 3 consecutive days (including work and non-work days)	A condition requiring 2 or more treatments by a health care provider, or an ongoing regimen of treatment.	Examination to evaluate a condition plus a course or treatment such as antibiotics or physical therapy
Prenatal treatment and pregnancy	Any period of incapacity* due to pregnancy or for prenatal care.	Prenatal doctor visits, absences due to morning sickness, post-partum recovery
Conditions that are chronic, long-term or require multiple treatments	Periodic treatment for a condition that may cause episodic incapacity.	Asthma, diabetes
	Incapacity due to a condition which is not curable but which requires medical supervision.	Terminal illness, multiple sclerosis
	Absences due to receiving treatment for a chronic condition.	Kidney dialysis

**\*Incapacity:** Inability to work, attend school, or perform other regular daily activities.

### **PFML**

#### **You may qualify for Paid Family and Medical Leave**

As of January 2020, Washington employees who have worked 820 hours or more in the qualifying period and have experienced a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement

- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events.

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The [Paid Family and Medical Leave Benefit Guide](#) provides information on how to apply for benefits and submit weekly claims. The guide also explains your rights and responsibilities under the law.

For more information about how to apply, contact the Washington state’s Employment Security Department (ESD): [www.paidleave.wa.gov](http://www.paidleave.wa.gov); email [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) or phone 833-717-2273.

**Important information for when you apply**

- Employer UBI #: **178019988**
- Employer offers supplemental benefits: “Y”
  - For more information about UW’s supplemental benefits visit the UW Academic HR site “How to file for PFML”: <https://ap.washington.edu/ahr/working/leaves/federal-state-leave-policies/washington-state-paid-family-and-medical-leave-pfml/>

Note: Except during the waiting week, employees cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless the employer chooses to offer a “supplemental benefit.” Supplemental benefits can be used along with Paid Family and Medical Leave to provide additional pay while an employee receives partial wage replacement through Paid Leave benefits. Employees may accept or reject supplemental benefit payments.

**If you have questions about this information, please consult the following resources:**

Office Listings	Phone Numbers
<a href="#">UW Academic Human Resources</a>	206.543.UWAP (8927)
<a href="#">UW Benefits Office</a>	206.543.2800
<a href="#">UW Disability Services Office</a>	206.543.6450
Disability Services Office TTY	206.543.6452
<a href="#">UW Risk Management</a> (for on-the-job illness or injury)	206.543.0183
<a href="#">UW Integrated Service Center</a>	206.543.8000