

# FMLA FAQ's

## What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA) is a federal law which came into effect in 1993. It requires Prairie View A&M University to grant its employees up to 12 weeks of FMLA job-protected leave per fiscal year for specified medical reasons.

## Under what circumstances can FMLA leave be requested?

FMLA leave may be requested at any time; however, this does not automatically mean the leave may be granted or that the employee is eligible for FMLA leave. Your department must determine whether or not the leave requested falls under the protection of the Family and Medical Leave Act. PVAMU is required to inform the employee of FMLA rights when made aware of the condition.

## Is FMLA paid leave?

No, FMLA is unpaid leave.

## How does FMLA benefit me?

The following benefits will apply if you qualify for leave under FMLA:

- 12 weeks of job-protected leave per fiscal year
- Maintenance of health care benefits
- Job restoration upon return from FMLA leave

## How do I know if I am eligible for FMLA leave?

There are two requirements you must meet to be considered eligible for FMLA leave:

1. You must have been employed by the state for a total of 12 months
2. You must have worked a minimum of 1,250 hours during the 12 months prior to the first day of taking FMLA leave

## Can I choose to exhaust my own paid leave prior to beginning FMLA leave?

No, you cannot choose to exhaust your own paid leave prior to beginning FMLA leave. [TAMUS policy 31.03.05](#) requires you to use your available paid leave when you are missing work due to an FMLA-related reason. Your available paid leave will run concurrently with your FMLA leave. There are only two exceptions to this requirement:

1. If you are on FMLA leave due to an on-the-job injury, you will have the option of using your available paid leave or being in a leave without pay status
2. You are not required to use Fair Labor Standards Act (FLSA) compensatory overtime hours during FMLA leave. If you voluntarily choose to use FLSA overtime, FMLA hours will stop and restart following the use of the FLSA overtime hours.

**When a holiday falls during a week that I am off from work due to an FMLA-related reason, will the hours of the holiday be counted as FMLA?** Yes, [TAMUS policy 31.03.05](#) section 4.3.7 states, "When a holiday falls during a week, the week counts as a full week of FMLA leave. However, when a component is

closed for five consecutive working days or longer, such as the December holidays, those days will not count as FMLA time.”

### **Can I use FMLA if my illness is incurable or not likely to get better? For how long?**

You may use FMLA for a certified health condition for the full 12-week period allowed. In this case, you should notify the Human Resources Office as soon as your illness is deemed to be incurable. Other benefits, such as disability retirement, may be available to you.

### **What is the relationship between FMLA and Parental Leave?**

Parental Leave is available to those employees not eligible for FMLA needing time off for the birth of a natural child or the adoption or placement for foster care of a child younger than three years of age. The provisions of the leave are for the mother or the father. Parental Leave differs from FMLA in that:

- Parental Leave time begins with the date of birth or when the adopted child is formally placed in the home
  - Time taken off – up to 12 weeks – must be continuous
  - The employee does not receive the state coverage for insurance premiums during unpaid leave
- Who can request Parental Leave?**

PVAMU employees, including student and wage employees who are not eligible for FMLA leave, are entitled to a parental leave of absence.

### **Who qualifies as “family”?**

A child, spouse, or parent qualifies as “family” under FMLA guidelines.

### **Under what circumstances may I use FMLA leave?**

FMLA leave is available to you if you are certified as having a health condition as defined under the FMLA and meet the eligibility criteria. You may also use FMLA leave if an immediate family member (spouse, child, or parent) has a health condition and needs your care.

### **What types of illnesses qualify for leave under FMLA?**

Any illness, injury, impairment, or physical or mental condition that involves the following criteria qualifies for leave under FMLA, provided eligibility requirements are met:

- Any period of incapacity requiring absence from work for more than three continuous days with continuing treatment by a health care provider;
- Continuing treatment by a health care provider for a chronic health condition; or
- Any period of incapacity connected with inpatient care or overnight stay in a hospital or residential medical-care facility
- **If an employee is considered full-time and only works four or six hours per day as per doctor’s restrictions, can the rest of the day be considered FMLA leave?** Yes, provided the reason for the shortened workday is certified as an FMLA condition.

### **Can I use FMLA more than once? Is the 12 weeks yearly?**

All leave eligible under FMLA may be used more than once per fiscal year. It may also be used for different and separate medical conditions. In no case, however, may an employee be granted more than 12 weeks of FMLA leave in one fiscal year.

**How does FMLA work when an employee misses work intermittently for the same reason?**

All intermittent time lost due to the same condition will be tracked as per guidelines set by each department. This lost time would be logged until the 12 weeks of FMLA time (or 480 hours for each full-time employee) are expired.