

Family and Medical Leave Act (FMLA)

Job Aid

The FMLA is a valuable benefit that allows employees to take care of important family and health situations without putting their jobs at risk. Following the requirements of the Family and Medical Leave Act of 1993 ensures that the University of Baltimore is in compliance with USM policy as well as state and federal requirements.

What is FMLA?

The FMLA helps eligible employees balance the demands of work, personal and family life by providing unpaid, job protected leave for specified family, medical, military exigency and military caregiver needs.

- FMLA covers employees who have worked for USM or a state agency for at least 12 months and at least 1040 hours in the last 12 months.
- Eligible employees may take up to 12 weeks of unpaid leave in a calendar year, or up to 26 weeks' unpaid service member caregiver leave.
- Employees may take leave continuously, intermittently or on a reduced schedule based on the information provided by a doctor in medical certification.
- FMLA covers multiple family situations including:
 - A child's birth and the care of that child.
 - A child's adoption or foster care placement and the care of that child.
 - A serious personal health condition that makes the employee unable to perform essential job functions.
 - Attending to a qualifying exigency arising from a family member's deployment with the armed forces to a foreign country.
 - Caring for a spouse, child, or parent with a serious health condition; caring for a spouse, child, or next of kin who has incurred or aggravated a serious illness or injury while on active duty; or, in some circumstances, caring for a spouse, child, or next of kin who is a veteran and who incurred or aggravated a qualifying injury or illness while on active duty in the armed forces.
- Serious health conditions may include:
 - Illness, injury, impairment, or physical or mental condition that involves overnight care in a health facility or continuing treatment by a healthcare provider. Continuing treatment must involve: a period of over 3 consecutive days of incapacity, and treatment or period of incapacity for the condition that also involves either (1) healthcare provider treatment two or more times within 30 days of the first day of incapacity or (2) healthcare provider treatment at least once that results in a regimen of treatment.
 - Any period of incapacity because of pregnancy or prenatal care.
 - Any period of incapacity because of a chronic, serious condition that requires visits to a healthcare provider at least twice a year.
 - A period of incapacity that is permanent or long term because of a condition for which treatment may not be effective (e.g., Alzheimer's disease).

- Multiple healthcare provider treatments for reconstructive post-accident or injury surgery or a condition (e.g., chemotherapy) likely to cause incapacity of over 3 consecutive days if untreated.
- Employers may require medical certification regarding fitness to return to work.
- Employers may require second or third opinions at the employer's expense.
- Employees must give 30 days' notice for foreseeable leaves (e.g., pregnancy).
- Employees will be restored to their former position as long as they return within the 12-week period.
- Employees retain any benefits accrued before they leave.
 - Employees keep health coverage during leave if they continue to pay their premiums.
 - Employees who let health coverage lapse during leave must be reinstated when they come back to work.
- Employees are required to use available paid leave to cover all or part of the FMLA period. If the employee exhausts their leave balance, they will move to a no pay status. During the no pay status period, the employee will be required to pay their benefit premiums.