

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Overview:

- Unpaid job-protected leave
- Classified Staff: up to 13 weeks of leave/12 month period
- PA/Faculty: up to 12 weeks of leave/12 month period
- Employees maintain health benefits while on leave



Eligibility:

- Employee has worked for UNC for at least 12 months
- Has worked 1,250 hours in the last 12 months

Qualifying Reasons for Leave:

- The birth of a child
- Adoption/foster care of a child
- Employee's serious health condition
- Care for a family member with a serious health condition
- Qualifying exigency arising out of the fact that an employee's family member is a military member on covered active duty

Employee Responsibilities:

- Provide notice of their need for FMLA leave
 - May be oral or written
- Notice given at least 30 days in advance of need for leave when the leave is foreseeable

Definitions:

- Serious Health Condition - a condition that makes the employee unable to perform the functions of his or her job
- Family Member - Spouse, Parent, Child

During FMLA Leave:

- Must substitute paid leave (sick & vacation) while out of work
- Will have to pay their portion of benefit premiums when unable to withhold from pay
- Submit a Fitness-for-Duty Certification prior to returning to work

Employer Prohibitions:

- Refusing to authorize FMLA leave
- Discouraging an employee from using leave
- Manipulating work hours to avoid employee eligibility under FMLA
- Using FMLA leave as a negative factor in employment actions
- Discharging/discriminating against, retaliating against an employee who is involved in any proceeding related to the FMLA



Employee Required Documents:

- Certification of Health Care Provider
- Family Relationship Documentation

Notifications Provided by Human Resources:

- Notice of Eligibility
- Notice of Rights and Responsibilities
- Designation Notice