

Family and Medical Leave Act (FMLA)

Frequently Asked Questions

CU Leave Programs

This guide answers some of the most frequently asked questions about the Family and Medical Leave Act (FMLA).

Family and Medical Leave Act

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About the Family and Medical Leave Act (FMLA)

Q. What does the Family and Medical Leave Act provide?

A. The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks (480 hours for a 100% employee) of unpaid job-protected leave per 12-month period. During an approved leave under the FMLA, an employee's group health benefits will be maintained, and the employee is entitled to return to their same or an equivalent job at the end of their FMLA leave.

The FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.

Q. How can I receive pay while I am on Family Medical Leave (FML)?

A. Although FML is unpaid leave, the university requires employees to use their available sick, vacation, paid parental, or other types of paid leave to receive pay during their absence.

Employees may also choose to use CU FAML to receive pay during FML.

Q. When and how should I request FML?

A. If the leave is foreseeable, a request must be submitted to the Employee Services (ES) Leave Team at least 30 days before the leave is to begin.

If the need for leave is urgent and not foreseeable, the request must be submitted as soon as practical and generally must comply with the department's normal call-in procedures.

Eligibility

Q. Who can take FML?

A. Any employee who works for the university and meets the FMLA eligibility requirements can take FML.

For Classified Staff: The employee must have one year of total state service as of the date leave will begin. Additionally, classified employees are eligible for one additional week (40 hours for a 100% employee) of State family medical leave subsequent to the use of leave under the FMLA.

For University Staff and Faculty: The employee must have been employed by the university for at least 12 months within the past seven years and have worked at least 1,250 hours during the most recent 12-month period prior to the start of leave. Part-time, FLSA-exempt employees with an FTE of 50% or greater are presumed to have met the 1,250 hours requirement, provided they have at least one year of university service.

Q. Does the time I take off for vacation, sick, leave, or other PTO count toward the 1,250 hours requirement?

A. The 1,250 hours include only those hours actually worked for the university. Paid leave and unpaid leave, including FMLA leave, are not included in the calculation.

Qualifying Conditions

Q. When can an eligible employee use FML?

- A. An eligible employee can use FML for:
- the birth and care of a newborn child
 - the placement and care of a child for adoption/foster care
 - a serious health condition of an employee or their spouse, child, or parent
 - care for a covered servicemember with a serious injury or illness (26 weeks)
 - a qualifying exigency when a parent, child, spouse, civil union partner, or domestic partner is called up for active military duty

Q. How can I apply for FMLA leave?

A. To apply for FML, employees must complete an application form and provide all required documentation to Employee Services. Once the application is received, Employee Services will process the application, notify the employee of approval status and guide them through their entire leave.

Online applications for FML are located in the employee portal.

- **Login** to [employee portal](https://my.cu.edu/) (<https://my.cu.edu/>).
- **Select Forms** from the *CU Resources Home* dropdown menu.
- **Select** the *Collaborative HR Services* tile.
- **Select** the *CU Leave Benefits* tile.
- **Select** the *Apply for Leave Benefits* tile.
- **Complete** the secure unity form.
- Employees will receive a confirmation email once their application has been successfully submitted.
- The Employee Services (ES) Leave Team will reach out to the employee to discuss eligibility and next steps.

Birth and Bonding

Q. Are there any restrictions on when an employee can take leave for the birth or adoption of a child?

A. Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement.

Q. When can a parent take leave for a newborn?

A. All parents have the same right to take FML to bond with a newborn child. A birthing parent can also take FML for prenatal care, incapacity related to pregnancy, and for their own serious health condition following the birth of a child. A non-birthing parent can also use FML to care for their spouse who is incapacitated due to pregnancy or childbirth.

Intermittent/Reduced Leave Schedule

Q. Does an employee have to take leave all at once or can it be taken periodically or to reduce the employee's schedule?

A. When it is medically necessary, employees may take FML intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee's usual weekly or daily work schedule.

Q. Can the university change an employee's job when the employee takes intermittent or reduced schedule leave?

A. Employees needing intermittent/reduced schedule leave for foreseeable medical treatments must work with the university to schedule the leave to minimize their department's operations and business needs as much as possible. In such cases, the university may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Serious Health Condition

Q. What is a serious health condition?

- A. The most common serious health conditions that qualify for FML are:
- conditions requiring an overnight stay in a hospital or other medical care facility
 - conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
 - chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
 - pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Q. Can I take FML for reasons related to domestic violence issues?

A. FML may be available to address certain health-related issues resulting from domestic violence. An eligible employee may take FML because of their own serious health condition or to care for a qualifying family member with a serious health condition that resulted from domestic violence. For example, an eligible employee may be able to take FMLA leave if they are hospitalized overnight or are receiving certain treatment for post-traumatic stress disorder that resulted from domestic violence.

Mental Health

Q. May I use FML for mental health reasons?

A. Yes. As long as an employee is eligible and provides the Employee Services Leave Team with proper documentation from a medical provider, they can use FML for mental health reasons.

Q. May I use FML to care for my adult child related to mental health reasons?

Example: My daughter, who is 24 years old, was recently released from several days of inpatient treatment for a mental health condition. May I use FMLA leave for her care? She is unable to work or go to school and needs help with cooking, cleaning, shopping, and other daily activities.

A. It depends. Employees may use FML to care for a child who is 18 years of age or older if the child is incapable of self-care because of a disability as defined by the ADA, has a serious health condition as defined by the FMLA, and needs care because of the serious health condition.

A disability under the ADA is a mental or physical condition that substantially limits one or more of the major life activities of an individual, such as working. Major depressive disorder, bipolar disorder, obsessive compulsive disorder, and schizophrenia are a few examples of mental health conditions that may substantially limit one or more of an individual's major life activities when active. A mental health condition requiring an overnight stay in a hospital or residential medical care facility would be a qualifying serious health condition under the FMLA.