

## **Family Medical Leave for Classified Staff** <sup>[1]</sup>

**The information on this page applies to CU System employees only.**

Please consult the appropriate HR website for your campus:

- [CU Boulder](#) <sup>[2]</sup>
- [CU Denver/Anschutz](#) <sup>[3]</sup>
- [?UCCS](#) <sup>[4]</sup>

As a classified employee, you are eligible to take up to 13 weeks (520 hours) of family medical leave per a rolling 12-month period, as long as you have one year of total state service when the date leave will begin. This amount is prorated for part-time employees. For more information on FLMA for classified staff, please visit the [FMLA Rights and Responsibilities for Classified Employees](#) <sup>[5]</sup> on the state's website.

Eligible spouses working for the same department or administrative unit are both entitled to receive up to 12 weeks of family medical leave, which they can take concurrently or consecutively.

### **Overview: how to apply for family medical leave**

As a CU System employee, you must request family medical leave through the CU System Human Resources office, within Employee Services. This is a basic overview, and more detailed information can be found in the toggles below.

**Step 1:** Contact System Human Resources via the [online request form](#) <sup>[6]</sup> to begin the process. You may also reach out to [systemhr@cu.edu](mailto:systemhr@cu.edu) <sup>[7]</sup> with any questions.

**Step 2:** Look for an email from System >Human Resources. This email will provide you with a Notice of Eligibility and Rights and Responsibilities, the medical certification and an FMLA checklist within five business days (absent extenuating circumstances). This will include details about your eligibility for family medical leave and the specific expectations and obligations for you and your department, which explain any consequences of a failure to meet these obligations. If you are ineligible, Human Resources will provide you a reason. If your request has been approved, please continue to step 3.

**Step 3:** In conjunction with your doctor, complete the appropriate forms and disclosure statements (in the right sidebar and provided via email) to provide proof that you are

experiencing a life event that qualifies for family medical leave.

**Step 4:** Submit your completed forms to the System Human Resources office within 15 days.

**Step 5:** Before you return from leave, obtain medical approval to return to work, which you must submit to System Human Resources by the specified deadline.

## **Getting started**

### **Tell your supervisor**

You must comply with the department's usual and customary procedure for requesting leave, absent unusual circumstances.

If the need for family medical leave is foreseeable, you must provide notice to your supervisor and Human Resources at least 30 days before leave begins. If the need for family medical leave is urgent, the request must be submitted as soon as possible and generally must comply with the department's normal call-in procedures. You must provide sufficient information for your employer to determine if this leave qualifies for family medical leave protection as well as the anticipated timing and duration.

### **Required forms**

Specific forms must be completed by the employee and the department for family medical leave to be granted. See the left sidebar for all forms. CU System Human Resources can give you details on which forms are required.

### **Designation notice**

Once Human Resources has sufficient documentation to determine whether your leave qualifies family medical leave, HR has five business days (absent extenuating circumstances) to provide you with a notice designating you for family medical leave. The designation decision will be based only on information received from you.

If there is a question regarding family medical leave designation, it should be resolved through discussions between you and your the supervisor, in consultation with Human Resources. All discussions and resolution shall be documented.

### **Certification of health conditions**

For leave to care for a parent, child, spouse, civil union partner or domestic partner with a serious health condition or your own serious health condition, submit the medical certification form to Human Resources before leave begins, if leave is foreseeable.

If the leave is unforeseeable, the medical certification form must be submitted no later than 15 calendar days from the date the leave request is made, unless it is not feasible under the particular circumstances. If a medical

certification form is incomplete or insufficient, the supervisor should contact Human Resources. A certification is considered insufficient if it contains vague, ambiguous or non-responsive information.

If the supervisor has reason to doubt the validity of the initial medical certification, a second opinion, at the University of Colorado's expense, from an independent medical provider selected by CU, may be required. If the two opinions conflict, the conflict may be resolved by a third opinion, at CU's expense, by an agreed upon provider, which shall be considered final.

The employee must authorize the release of relevant medical information pertaining to the condition for which leave is being sought to the second/third opinion health care provider, if so requested by that health care provider. Failure to authorize the release of this information is grounds for denying family medical leave.

## **Pay and benefits**

Family medical leave is federally mandated job protection and unpaid leave. It runs concurrently with all types of paid leave and compensatory time (if applicable). To receive compensation while on family medical leave, you must use some form of paid leave (sick, vacation, injury leave, etc.), receive Short Term Disability (STD) or use compensatory time.

If leave is for a serious health condition or parental leave, you will be required to use accrued vacation leave once sick leave is exhausted unless you are on leave without pay while receiving Short-Term Disability. If you are receiving paid leave while on family medical leave, you will continue to accrue sick and vacation leave. If you opt for leave without pay, you do not accrue sick or vacation leave.

The following types of leave can be used with family medical leave:

- **Sick Leave:** If the purpose of the leave is a serious health condition or parental leave, you will be required to use accrued sick leave while on family medical leave. You may elect to use sick leave while on family medical leave to care for a spouse, child or parent with a serious health condition or for parental leave.
- **Vacation Leave:** If leave is for a serious health condition or parental leave, you will be required to use accrued vacation leave once sick leave is exhausted unless you are on leave without pay while receiving Short-Term Disability. You may elect to use vacation leave to care for a spouse, child or parent with a serious health condition or for parental leave.
- **Short-term Disability (if applicable):** Family medical leave runs concurrently with any leave without pay taken while an employee is receiving Short-term Disability benefits, including any waiting period before coverage begins.
- **Job related Injury or Illness:** A serious health condition may result from a job-related injury or illness. Paid injury leave runs concurrently with family medical leave.

## **Health Benefits and Timely Payment of Premiums**

If you have exhausted all paid leave and/or are on leave without pay, you may elect to continue health plan benefits

by contacting Employee Services' benefits professionals at 303-860-4200, option 3.

If you elect to continue health plan benefits while on leave without pay, the University will maintain health plan coverage and the University will continue to pay its share of the premiums as long as you maintain your share.

If Employee Services does not receive payment for your share of the premiums, Employee Services may discontinue coverage without notice. You may choose not to retain the University's health insurance program during leave without pay.

## **Intermittent Leave**

Family medical leave may be taken intermittently or on a reduced leave schedule.

If you take this option, you must make a reasonable effort to schedule leave so as not to disrupt your department's operations.

If the leave is for planned medical treatment or for intermittent or reduced schedule leave, you may be required by your supervisor to arrange a particular schedule or to reschedule appointments or treatments, subject to the health care provider's consent.

A supervisor may temporarily assign you to an alternative position with equivalent pay and benefits during your intermittent or reduced leave schedule that better accommodates recurring leave periods.

If you are taking leave for birth or placement of a child, you may take leave intermittently or on a reduced leave schedule only with your supervisor's approval.

## **Periodic Reporting and Recertification**

You will be required to report on your status and intent to return. During the leave, your supervisor may also require a new medical certification no more often than every 30 days and only in connection with an absence, unless the minimum duration of the condition is more than 30 days. Recertification may be requested in less than 30 days if the following circumstances exist:

1. when your supervisor obtains information that casts doubt on the continuing validity of the original certification;
2. when you requests an extension of leave; or
3. when your circumstances have changed.

## **Returning to work**

### **Job Restoration**

Upon return from family medical leave, you will be returned to the same position you held when the leave began or

to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, except that an individual has no greater right to reinstatement or to other benefits and conditions of employment than if s/he had been continuously employed during the period.

## **Fitness to Return Form**

If you are returning to work after a serious health condition, you may be required to present written documentation from your health care provider that you are able to return to work, with the exception of pregnancy.

A fitness to return form:

- Shall be required of any individual on family medical leave for more than 30 days due to a serious health condition.
- May be required for leaves of less than 30 days when it is a business necessity given the nature of the condition in relation to the assignment.
- Shall only address the particular health condition that caused the individual's need for family medical leave.
- May be required of employees taking intermittent family medical leave up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties.

Return to work may be delayed until the required FTR is provided. Any additional medical inquiry will be governed in accordance with the ADA.

## **Benefits**

At the end of family medical leave, benefits including group life insurance, health insurance, disability insurance, and mandatory retirement plans must be resumed in the same manner and at the same levels when the leave began.

Any qualifying life events, such as having a baby, may allow you to make changes to your benefits coverage. Upon return, you are not required to re-qualify for any benefit provided before family medical leave began.

In you are enrolled in the Public Employees Retirement Association (PERA) Mandatory plan, any period of more than 30 days of unpaid family medical leave will not count towards plan service as you do not pay into the plan during this time.

To update your benefits, contact Employee Services' benefits professionals at 303-860-4200, option 3.

## **Coordination with University Parental Leave Policy**

These guidelines are interpreted and implemented in a manner consistent with the requirements of the Administrative Policy Statement on Parental Leave for Faculty and University Staff<sup>[8]</sup>. Any family medical leave taken to care for the birth or adoption of a child runs concurrently with any leave taken under the Parental Leave Policy.

**Groups audience:**

Employee Services

**Right Sidebar:**

ES:HR - FMLA Questions

ES:HR - FMLA Forms for Classified Staff

ES:HR - FMLA Pregnancy

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**Source URL:** <https://www.cu.edu/employee-services/family-medical-leave-classified-staff>

**Links**

[1] <https://www.cu.edu/employee-services/family-medical-leave-classified-staff>

[2] <https://www.colorado.edu/hr/>

[3] <http://www.ucdenver.edu/about/departments/HR/Pages/default.aspx>

[4] <https://www.uccs.edu/hr/>

[5] <https://www.cu.edu/docs/classified-staff-notice-eligibility-and-rights-and-responsibilities>

[6]

[https://portal.prod.cu.edu/psc/epprod\\_1/EMPLOYEE/ENTP/s/WEBLIB\\_CU\\_EFORM.ISCRIPT1.FieldFormula.IScript](https://portal.prod.cu.edu/psc/epprod_1/EMPLOYEE/ENTP/s/WEBLIB_CU_EFORM.ISCRIPT1.FieldFormula.IScript)

[7] <mailto:systemhr@cu.edu>

[8] <https://www.cu.edu/ope/aps/5019>