

FMLA for Pregnancy: Frequently Asked Questions ^[1]

"Maternity Leave," as it is known to most, is the time the parent takes off for the birth or adoption of a child. Employees generally rely on a combination of short-term disability, sick leave, vacation and Family Medical Leave to care for their new child.

Is leave for pregnancy or childbirth protected under FMLA?

Yes, leave for the birth of a child or leave for complications relating to childbirth or pregnancy would qualify under the FMLA. Adoption, postpartum conditions and parental leave for childcare may also qualify.

- **FMLA leave related to birth, adoption and subsequent care of a baby:** Both men and women may use FMLA leave following the birth or adoption of a child, which can be taken at any time during the first year after the birth or adoption.
- **FMLA related to serious health conditions:** Employees may use FMLA for pregnancy if its complications present a serious health condition.

When can I take FMLA for pregnancy?

Employees can use FMLA for pregnancy any time they wish during the duration of the pregnancy and up to one year after the birth or the adoption of the child.

The FMLA requires employees to request leave at least 30 days before taking it. If the need for leave is urgent, employees must submit their request as soon as possible.

Who can use FMLA for pregnancy?

Mothers and fathers have the same right to take FMLA leave to bond with a newborn child.

An expecting mother can also use FMLA leave for prenatal care, incapacity related to pregnancy and for her own serious health condition following the birth of a child.

A father can also use FMLA leave to care for his spouse who is incapacitated due to pregnancy or childbirth.

What type of paid leave can I use while I am out on protected FMLA leave?

Employees who are out for their own serious health condition will need to use sick leave and

exhaust it. They then can use their vacation leave.

Employees out to care for another with a serious health condition can choose which type of leave they use first.

Will I be returned to the same position?

FMLA requires that the employer must return the employee to the same job, or one that is nearly identical (equivalent).

Will I need to provide a fitness-to-return form when I return to work?

A fitness-to-return form will not be required for a normal, healthy pregnancy.

How does FMLA leave intersect with the University's Parental Leave Policy?

The University of Colorado also has a Parental Leave policy that provides leave for faculty and university staff which runs concurrent with and may exceed the leave guaranteed by the FMLA.

- The provisions of the Parental Leave Policy are intended to be interpreted in conjunction with the FMLA. Thus, leave taken under the Parental Leave Policy counts as part of, and is not in addition to, the twelve weeks of leave guaranteed by the FMLA.
- Employees are entitled to six months of parental leave during which time they may use their accrued sick and vacation leave.
- Employees shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

How do I use Short Term Disability Insurance for a pregnancy?

Short-term disability ^[2] provides salary replacement benefits when you are unable to work due to illness, injury or childbirth. University Staff voluntarily sign up for this benefit.

If an employee needs to take time off, an employee must wait 29 days from the date of disability or the exhaustion of sick leave, whichever is later. Employees are eligible to receive 60% of their pre-disability weekly earnings with a maximum of \$1,500 weekly.

Vacation leave can be used but is not required as it does not affect the disability payments.

Employees wishing to use their benefit must contact a Benefits Counselor to discuss, and the Benefits Counsel will initiate the claims process.

Groups audience:

Employee Services

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[1] <https://www.cu.edu/employee-services/fmla-pregnancy-frequently-asked-questions>

[2] <https://www.cu.edu/employee-services/benefits-university-colorado>