

Roadmap to the FMLA Training Questions and Answers

Question	Answer
Why is designation important?	A Designation Notice is provided to the employee within 5 business days of receipt of the medical certification from the employee or when HR has enough information to determine the leave qualifies as FMLA. This notice provides the employee with notification that the leave is designated and will count against their FMLA entitlement. The designation is important because FMLA runs concurrently with other types of leave. Failure to properly designate the leave may allow an employee access to additional leave the employee should not have been entitled to. <i>Example: If we fail to designate an employee's 10 week absence and allow the employee to use sick leave from the employee's sick leave balance, the employee could still have up to 12 weeks of unpaid, protected leave available (instead of 2 weeks).</i>
Who is responsible to update HCM?	HR is responsible for updating HCM.
Do In-laws count as parents?	No, a "parent" is defined as the biological, adoptive, step or foster parent of an employee or individual who stood in loco parentis to the employee.
How does FMLA coincide with the university's parental leave policy?	Parental leave is provided to University Staff and runs concurrently with and may exceed the leave guaranteed by the FMLA. The provisions of the policy are intended to be interpreted in conjunction with FMLA. Employees become eligible for parental leave when they become eligible for FMLA leave, or when they have been employed continuously for one year by the University on a half-time or greater basis. University Staff are entitled to six months of parental leave, during which time they may use accrued sick leave, accrued vacation, and/or leave without pay to care for the child within twelve months of the birth, adoption, or foster care placement. Employees shall inform their supervisor as early as possible of the intent to use parental leave. <i>Example: An employee requests six months of parental leave. Assuming the employee has 12 weeks of FMLA leave available; the first 12 weeks of leave are both FMLA leave and parental leave. After the first 12 weeks, the FMLA leave is exhausted but the employee has an additional 12 weeks of parental leave available.</i>
How does intermittent leave work?	When it is medically necessary, an employee can take leave on an intermittent basis or on a reduced leave schedule. When an employee needs to take leave for a planned medical treatment, they must make a reasonable effort to schedule these appointments so as not to disrupt the employer's operation.
What qualifies as a health care provider?	A health care provider is defined under the FMLA as: -A doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; -A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (with limitations) authorized to practice in the state and performing within the scope of his or her practice; -A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his or her practice; -A Christian Science practitioner listed with the First Church of Christ,



Scientist, in Boston, Massachusetts;
-Any health care provider from whom the employer or the employer's group health plan's benefits manager will accept a medical certification to substantiate a claim for benefits; or
-A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country

How does FMLA work with ADA?

The Americans with Disabilities Act supports individuals with disabilities to ensure access, support, and when appropriate reasonable accommodations. Employees can request reasonable accommodations for disabilities and conditions related to pregnancy and birth. This could include requests for leave. The FMLA could potentially run concurrently with any leave accommodations made for the employee. HR will determine what constitutes a reasonable accommodation and how it impacts FMLA leave.

Can a supervisor view the medical paperwork?

No. Medical records related to FMLA leave are to be kept in files separate from personnel related records and should only be stored by HR. These records must be treated as confidential and made available only on a need-to-know basis. Supervisors and/or managers may be informed about necessary restrictions on the work duties of an employee, as well as about necessary accommodations.

What information can HR provide to the supervisor?

HR is able to provide the supervisor with information regarding the length of leave. An employee should inform his/her supervisor about the timing and length of leave as the employee is still required to comply with the department's usual and customary procedure for requesting leave, absent unusual circumstances. Further, HR will be able to inform supervisors about any necessary restrictions on the work or duties of the employee and necessary accommodations. *29 C.F.R. § 1630.14*

Does an employee with the flu need to submit medical certification?

Maybe. An illness that involves inpatient care or continuing treatment by a health care provider is considered a serious health condition. If an employee is out for more than 3 days, visits a doctor and receives a prescription, the employee should be referred to HR to begin the FMLA process. If the employee is out for more than 3 days and the illness becomes a serious health condition requiring hospitalization, the employee should be referred to HR to begin the FMLA process. If an employee has a common seasonal sickness, and neither of the two scenarios above occurs, it is not considered a serious health condition under the FMLA.

Can employees on FML check their email?

Yes. Nothing in the FMLA prohibits employees from checking email while they are out on leave. However, the supervisor should not encourage the employee to work while on leave.

What are the timelines for the FMLA?

Once HR learns of an employee's need for FMLA, HR must provide the employee with an eligibility notice within five business days of the initial request. The employee is provided with the necessary paperwork in this notice. The employee then has 15 days to return the medical certification (if required) to HR. HR is then responsible for designating leave as FMLA-qualifying and must provide a designation notice to the employee within five business days of receiving the medical certification or having enough information to determine whether the leave is FMLA-qualifying.



Does the supervisor have to approve the leave before the designation comes in?

No, the supervisor does not have to approve the leave before the designation is approved and/or declined. HR is responsible for sending out the Notice of Rights and Responsibilities and the Designation Notice.



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