
Family Medical Leave (FML)

University of Alaska

Q1: What is Family Medical Leave?

The University of Alaska's Family Medical Leave (University of Alaska Regulation 04.07.07) is based on the federal Family & Medical Leave Act and the State of Alaska's Pregnancy, Childbirth, & Family Leave Act, which requires employers to allow eligible employees to take leave and to provide certain benefits for specific qualifying events.

The University's FML Regulation integrates the requirements of the state and federal regulations and provides greater benefits than required by either regulation. The granting of paid or unpaid leave under the University's FML Regulations is dependent on an employee's leave balances.

Q2: Who is an eligible employee?

All employees of the University of Alaska are eligible to request Family Medical Leave if they have been employed with the University of Alaska for:

- At least a total of 6 consecutive months and worked for at least 910 hours over the prior 12 months
or
- At least 1,250 hours during a 12 month period immediately preceding the commencement of need for Family and Medical Leave.

Q3: In what circumstances will Family and Medical Leave be granted?

Eligible employees are entitled to Family Medical Leave for the following reasons:

- A serious health condition which renders the employee unable to perform their job duties
- A serious health condition of a spouse or immediate family member which requires employee's care
- Birth of a newborn child (if taken within the first 12 months after birth)
- Placement of a child for adoption or foster care (if taken within the first 12 months)
- Qualifying Workers' Compensation related injuries or illnesses

Q4: What is the definition of a serious health condition?

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility and any subsequent treatment in connection with an inpatient stay
 - A condition requiring continuing treatment by a health care provider
 - Any period of illness or incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment by a health care provider
 - Any period of incapacity due to pregnancy, or for prenatal care
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Q5: What conditions do not qualify as a serious health condition?

The common cold, the flu, ear aches, upset stomach, minor ulcers, headaches (other than migraine), routine dental or orthodontia problems, periodontal disease, and taking over-the-counter medications are examples of conditions that do not meet the definition of a serious health condition. In addition, absence because of the employee's abuse of alcohol or drugs does not qualify for FML. Each request for FML is reviewed by the regional personnel office to determine if the condition qualifies for FML.

Q6: What is the length of leave?

Upon approval of the employee's application for FML, the employee will be granted family medical leave for a maximum of 720 hours during any 12 month period. The 720-hour maximum is prorated for part-time employees. If during the same 12 month period an employee has another need for FML, the total amount of FML available will be reduced based upon their prior use. FML taken on an intermittent or reduced schedule may not exceed a period of 12 months.

Q7: Who is defined as an immediate family member?

Under University Regulation, the following individuals are considered immediate family members:

- Spouse, child, sibling, parent, grandparent, parent of a spouse, grandparent of a spouse;
- Financially interdependent partner, parent of a financially interdependent partner, or child of a financially interdependent partner

Q8: Who is considered an eligible child under FML?

A child includes a biological, adopted or foster child, stepchild, or a legal ward. The definition also includes a child for whom the employee stood in place of a parent if the relationship began prior to the child turning 18 years of age.

Q9: Who is considered an eligible parent under FML?

A parent includes a biological parent of an employee, or an individual who stood in place of the parent when the employee was under 18 years of age.

Q10: When an employee is on FML what happens to their employment?

Employees taking FML are entitled to return to the same position or to another position which has equivalent benefits and pay. There is an exception to the requirement to restore an employee to employment: If an employee's position is eliminated while they are on FML, there is no requirement to find the employee another position.

Q11: What if an employee's serious health condition requires intermittent leave?

Leave for a serious health condition may be taken on an intermittent or reduced schedule when medically necessary. This means leave may be taken on a schedule that reduces the employee's usual number of hours worked per week or per day.

If an employee is taking leave for a serious health condition on an intermittent or reduced schedule, the University may temporarily transfer an employee to an alternative position during the period of intermittent or reduced schedule leave. This will occur when the University determines that an employee's current position does not allow for a reduced schedule. The alternative position will have equivalent pay and benefits, and will better

accommodate the need for intermittent leave or reduced-schedule leave. However, the University may, at times, not be able to find a suitable position to accommodate an employee's need for intermittent leave or reduced-schedule leave. In situations such as these, the employee will need to take leave on a full-time basis.

Q12: Can an employee take intermittent leave after the birth or placement of a child?

Leave for the birth or placement of a child may be taken on an intermittent or reduced schedule only with the approval of the employee's supervisor.

Q13: Does the University's Family Medical Leave Regulation require using paid leave before going on leave without pay?

Yes. Employees who take FML because of their own serious illness, due to the serious illness of an immediate family member, or for parental leave, must exhaust all accrued sick and annual leave prior to going on leave without pay. Paid leave is considered part of FML.

Q14: Can the University place an employee on FML when the employee does not report the leave as FML?

The University can place an employee on FML for absences which qualify and will notify the employee in writing that they have been placed on FML.

Q15: Will the University continue health insurance benefits during FML?

The University will continue an employee's basic health insurance coverage, as well as basic life insurance, and long-term disability insurance during the period an employee is on family medical leave.

If an employee has elected any of the supplemental benefits (supplemental health, supplemental life insurance, medical or dependent care reimbursement accounts) or has elected to pay for dependent health care coverage, they will need to make arrangements with the regional personnel office to pay for those coverages. Failure to pay appropriate payments will result in cancellation of supplemental and dependent coverages.

Q16: What happens to benefits if an employee is unable to return to work at the end of their leave?

If an employee is unable to return to work at the end of their FML absence, the University will notify the employee of the status of their benefits, including health insurance continuation rights under COBRA.

Q17: Are employees required to notify the University of an impending need for leave?

An employee who anticipates the need for FML (i.e., birth or adoption of a child, scheduled surgery, etc.) should provide at least 30 days notice to their supervisor. An employee who takes a foreseeable leave based on a planned medical treatment should make a reasonable effort to schedule the treatment, subject to the health care provider's approval, so as to not unduly disrupt their job functions.

Q18: Do any special rules apply to employees as to how much FML they may use if their spouse is also employed by the University?

UA employees who are married to other UA employees may each take up to 720 hours of family medical leave during any given 12 month period.

Q19: What is the process for requesting family medical leave?

- Notify supervisor of intent to apply for FML
- Submit an FML Request Form to immediate supervisor
- If applicable, submit a Physician's Certification Form*
- Contact Personnel Services to discuss leave provisions & benefits
(Forms will be provided by Personnel Services)

* When the leave is due to a serious health condition of the employee or an employee's immediate family member, the University will require submission of a physician's certification. Information requested on the certification form includes the date on which the condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition. If the employee's request is for FML for an immediate family member, the University will require a statement that the employee is needed to care for that family member.

Q20: If leave is requested on an intermittent basis, will additional information be required?

If the leave is expected to be intermittent, the University will require certification of the expected dates of treatment and duration of treatment.

Q21: Are additional medical certifications required during FML?

Depending on the nature of the employee's request for family medical leave, the University may require subsequent recertifications during the leave.

Q22: Are employees required to report their status to their supervisors during leave?

Supervisors may require employees to report periodically on their status and intention to return to work.

Q23: Must the University keep records of requests for FML?

Yes. All documentation that is submitted to the University as part of a request for FML will be kept in a medical file separate from official personnel files.

Q24: Where can I find out more about the University's Family Medical Leave Regulation?

UAF Personnel Services (474-7700)
UAA Human Resource Services (786-4608)
UAS Personnel Services (465-6473)
Statewide Human Resources (474-7894)
UA Regulation 04.07.07