FMLA FAQs for Employees

Q: What is FMLA?
A: The Family Medical Leave Act (FMLA) is federal law passed in 1993 to provide protected medical leave for employees when the employee or the employee’s parent, child, or spouse have a serious illness.

Q: How much time does FMLA provide?
A: FMLA provides for 12 weeks of protected medical leave per “rolling” year.

Q: What is a “rolling” year?
A: A “rolling” year is when we look back from today’s date this year to today’s date last year. This method of calculating is used to determine the number of productive hours you have worked in the past year and also to determine how many FMLA hours you have used in the past year.

Q: Once I use all my 12 weeks, when can I use FMLA again?
A: Since we calculate FMLA hours used on a “rolling” year, you will begin getting FMLA hours back as you used them in the past 12 months. For instance, if you used 8 hours on April 10, 2010 then you would have 8 hours available to you on April 10, 2011.

Q: I have plenty of accruals. Do I have to do FMLA?
A: Yes. If you are a qualifying employee with a qualifying illness and you are absent for three or more days, FMLA documentation must be completed and your absence recorded as FMLA.

Q: Do I qualify for FMLA?
A: An employee qualifies when they have been a state employee for at least one year in the past 5 years and you have worked 1250 productive hours in the past 12 months.

Q: I have Power of Attorney for my grandmother. Can I get FMLA?
A: FMLA only covers the employee, the employee’s parent, child, or spouse. The only way any other individual would be covered by FMLA would be if that person acted as your parent before you turned 18 yrs of age or if you acted as that person’s parent before they turned 18 years of age.

Q: Do I use FMLA for pre-natal appointments?
A: No, you do not have to use FMLA for appointments that are scheduled in advance. You do have to use FMLA for illness related to your pregnancy.
Q: My spouse and I both work for utmb Health. Do we both get 12 weeks when our baby is born?

A: The mother and father who both work here at utmb Health must share 12 weeks. For instance, the mother may take 10 weeks and the father takes 2 weeks.

Q: What is the difference between ‘intermittent’ and ‘continuous’ FMLA?

A: Intermittent FMLA is when you or a qualifying family member has a chronic illness which causes you to be absent from work only occasionally. A ‘continuous’ absence is one in which you would be absent from work for a continuous period of time.

Q: Is FMLA ‘paid’ leave?

A: No. It runs “concurrently” with your paid leave accruals. If you do not have any paid leave accruals such as sick leave or vacation then your FMLA ensures you continue to participate in premium sharing and your position is protected.

Q: Once I have the documents completed, are they good forever?

A: No, Physician Certifications provided for intermittent FMLA are valid for up to a year depending on the physician’s documentation and if the employee is using the FMLA in accordance with the physician’s documentation.
FMLA FAQs for Managers

Q: What do I do if I have an employee out on continuous (3 days or more) of medical leave?

A: You should email Leave Management at hr.leavemgmt and provide the employee’s name, Employee ID, employee’s contact number, date leave began, and if leave is related to the employee’s illness or the employee’s parent, child, or spouse’s illness. You will also need to tell us if the employee already has the FMLA documentation or if we need to contact the employee.

Q: I have an employee who is getting a lot of unscheduled absences and I think it may be a chronic illness. What should I do?

A: You should email Leave Management at hr.leavemgmt and provide the employee’s name, Employee ID, and employee’s contact number. Please include any details you are concerned about. We will contact the employee and discuss with them whether or not they should complete FMLA documentation.

Q: I have an employee who has plenty of Sick Leave and/or other accruals to cover their medical absence. They don’t really have to do FMLA do they?

A: Yes, they do. FMLA is federal law that requires all qualified employees to use FMLA for any qualifying event.

Q: If an employee doesn’t have to give me, as their manager, their FMLA documentation then how am I supposed to know what is wrong with them?

A: FMLA provides that the employee’s or their family member’s diagnosis may remain confidential through the designated human resource designee. The only reason Leave Management will discuss a diagnosis would be through the HR Representative and only if the diagnosis may cause a risk to patients or other employees.

Q: Do I tell the employee to submit the FMLA documentation to me?

A: No, please direct the employee to submit documentation to Leave Management.

Q: But don’t I have to keep a copy?

A: No, the employee’s medical information should not be kept in the department’s files.

Q: How do I record the absence in Kronos?

A: Once we have been notified of the need for a case we will open a ‘pending’ case in Kronos and you will enter the hours of the absence in the Leave Editor. The Leave Editor will automatically know which accruals to use and in which order per UTMB policy so you do not have to calculate these.

Q: What do I do if the Leave Editor will not allow me to enter the absence?
A: Send Leave Management a message via email at hr.leavemgmt and we will review the Kronos Leave Case to determine where the problem is. We will make corrections if needed or notify you of what to do.

Q: When should I enter my employee’s absence if it is a continuous absence?

A: NEVER wait until pay Monday to enter leave. You should always have FMLA absences entered no later than the Friday at the end of the pay period or sooner in case there are problems entering the absence.

Q: How can I tell if an employee has an open FMLA case?

A: There are two ways. One is if you go to the individual’s timecard then click on “Leave/Edit”. If it opens a case then they have one. The second way is in Kronos if you click on “My Genies” and then “Leave Cases”, this will give you a list of everyone in your area that has an open leave case of any kind.