

# Family and Medical Leave Act

**FMLA**

UVMCC Support Staff United  
Contract Education  
Committee

## Eligibility

- \*Length of service - Must work at the UVM Medical Center for at least 1 year
- \*Number of hours in the past year - Must work at least 1,250 hours in the last 12 months prior to the leave
- \*Serious Medical Condition - The employee, or family member must have a serious health condition, as defined by the federal FMLA definition
- \*Call HR Solution Center at 844-777-0886 for uncertainty of qualifications

# How to Apply!

- Call **The Hartford** at 888-716-4549, policy #OGL 681038 to apply. You will use your EMPLOYER ID (found in Workday under “Personal Information” and “About Me” option.
- FMLA is designed to provide job protection while employees are out of work. FMLA is UNPAID, but CTO can be used.
- No waiting period for FMLA
- Can be taken for up to 12 weeks or taken in shorter periods of time
- Need more time? You may be eligible for an additional 4 weeks with Supplemental Leave
- If I have Short term Disability or Worker Compensation claim do I also need to apply for FMLA? No, with approval of either claim we will automatically check your eligibility of FMLA.
- Need to renew FMLA every year
- FMLA policy (Policy HR-D-01) on the Intranet and in our Contract, Article 37

# FMLA Leave List

\*Give as much notice to your supervisor as possible and The Hartford (2 week minimum) The Hartford can be reached Monday through Friday 8am-9pm EST at 888-716-4549

\*During leave - Employees must make required premium payments to continue benefit plan coverage. If receiving disability payments or using CTO, benefit premiums will be deducted from your check. Failure to pay the employee portion of benefit will result in termination of coverage

\*Taking intermittent leave? Must call The Hartford to report FMLA day use at 800-549-6514 anytime you need to use FMLA time

\*\*If you need to call out, you need to notify your supervisor that it is related to FMLA. Tell your supervisor if you want to use CTO or if the time is unpaid.

\*Returning from leave - Notify supervisor before returning to work. If you're not planning to return to work, you must notify your supervisor. Proper notice of 2 or 4 weeks

# USE of Leave

- \*Bargaining unit employee's own serious illness or injury as defined by State and Federal laws
- \*A serious illness of the member's child, stepchild, foster child, spouse, civil union partner, parent, or ward who lives with the member
- \*Birth, adoption, or foster placement of child
- \*A "qualifying exigency" such as spouse, child, or parent is on active duty military: short-notice deployment, military events and related activities, childcare and school activities of a covered service member's absence
- \*Time to spend with service member who is on temporary rest and recuperation leaving deployment (eligible employees may take up to 5 days of leave of each instance)

## Use of Leave Cont.

\*Post deployment activities

\* Certain other events agreed upon by UVMCC and the union that arise out of the covered military member's active duty

# Notification Process

- \*Employee should inform their supervisor of the fmla request and contact The Hartford to formally apply for the leave
- \*UVMHC or its designated leave person will notify the bargaining employee and their supervisor if FMLA is approved or denied
- \*If leave is for the employee's own serious illness, employee may be eligible for short and long term disability or Workers Compensation. Family and Medical leave will run concurrently
- \*Employee should contact UVMHC or its designated leave administrator and their supervisor as soon as possible when requesting a change in, or extension to, the dates of leave

## Notification Process Cont.

\*Generally, an employee must give at least 30 days' notice of the need to take FML leave when they know about the need for the leave in advance and it is possible and practical to do so. If the employee does not provide at least 30 days notice, and it was possible and practical to do so, the employee may delay the FMLA leave until 30 days after the date the employee provides notice

\*If the leave for the employee's own serious health condition, the employee may be eligible for short and long term disability benefits or Worker's Compensation. FMLA will run concurrently with any of these benefits.



# Certification

- \*If leave is for the employee's health condition, must provide appropriate medical certification
- \*Medical certification will be required if a BUE is requesting leave due to a covered relation's serious illness, including a covered service member's (military) illness or injury
- \* Ongoing serious illness, UVMMC may require BUEs to provide a new medical certification in accordance with applicable law
- \*When BUE requests leave, the BUE will be notified of the requirement for medical certification and when it's due (within 15 days) after the BUE requests leave. Failure to provide will result in a denial of leave
- \*UVMMC, at its expense, may require an examination by a second health care provider. If the 2nd healthcare provider's opinion conflicts with the original medical certification, UVMMC may require a 3rd examination

## Certification Cont.

\*After giving the BUE the opportunity to cure any deficiencies to their medical certification, UVMCC may contact the employee's health care provider for clarification or authentication of the certification

\*Periodic reports or re-certification of the BUE status and intent to return to work may be required during the leave period at least 30 days. May be required sooner.

\*Failure to provide requested re-certification within 15 days may result in delay or denial of additional leave

\*Certification will be required for qualifying exigency leave. Certification materials should include information on the type of qualifying exigency and any written documentation that supports the request

# Unpaid Leave

\*Family/Medical leave is **UNPAID**

\*May use CTO during the leave period

\*Upon exhaustion of CTO, or if the BUE elects not to use CTO, the BUE approved leave time will be recorded as FMLA-UNPAID in the payroll record for hours not worked during the leave period

\*It's the BUE's responsibility to inform UVMHC of their intent to use CTO time. Without such instruction the absence will be recorded as UNPAID

\*Short or Long Term Disability benefits, Extended Sick Bank hours or Workers' Compensation may also be available for the BUE's own serious illness

# Intermittent and Reduced Schedule Leave

\*Leave for BUE's own serious illness or for a serious ill member of the BUE's covered relation may be taken intermittently (in separate blocks of time) and a reduced work schedule is allowable

\*Intermittent leave is not available during family leave for the birth, adoption, or foster placement of a child, unless the birthing parent has a serious illness in conjunction with the birth of a child or the child has a serious illness

\* During family leave for birth, adoption or foster placement of a child, a reduced work schedule may be arranged with the manager's approval. A reduced work schedule does not extend the leave period when such a schedule is agreed upon. A reduced leave schedule occurs when the number of hours or days a BUE works is reduced on a daily or weekly basis.

## Intermittent and Reduced Schedule Leave Cont.

\*Leave due to a qualifying exigency may also be taken on a intermittent or reduced work schedule basis

\*Both exempt and non-exempt BUEs will be paid based on the amount of time actually worked. In addition, in certain circumstances, while the BUE is on intermittent or reduced schedule leave, the BUE may also be temporarily transferred to to an available alternative position which better accommodates the BUE recurring leave and which has equivalent pay and benefits

# On-The-Job Injuries

- Time off for on-the-job injuries that meet eligibility requirements under applicable Workers' Compensation laws will be charged to time off allowed under family/medical leave. Family/medical leave will concurrently with WC leave. BUEs claiming WC benefits will have the family/medical leave reported on their behalf by UVMCC

# Benefits

\*During an approved family/medical leave, UVMMC will continue paying its portion of the BUE's benefit costs. The BUE must continue to pay their portion of the applicable benefit cost during the leave. Coverage may be canceled if the BUE fails to pay their portion of the benefit cost.

\*Service credit for pensions, 403(b) retirement plan, CTO and short term disability benefit levels will continue while on approved family/medical leave. If a BUE is eligible for an increase in these benefit levels due to years of service, the higher benefit will be implemented upon return from family/medical leave

## Job Protection

\*As required by law, BUEs whose family/medical leave does not exceed family/medical leave allotment, as defined in Section B of this Article, will return to an equivalent or former position upon completion of the leave. BUEs will return with equivalent pay, benefits and other terms and conditions of employment existing on the day of the leave began as long as such benefits are still provided by UVMHC

\*Eligible BUEs may also request and be granted supplemental family/medical leave to extend job protection for up to 4 additional weeks. Refer to the provisions in this Agreement on Supplemental Family/Medical Leave Policy D-08 Supplemental Family and Medical Leave for details



# Return to Work

- \* BUEs should contact UVMMC and their manager at least 2 weeks or as soon as practicable prior to the scheduled return date
- \*Once the BUEs return to work has been confirmed, UVMMC will update the BUE's leave status
- \*Annual performance planning and performance appraisals that are scheduled to occur while the BUE is on family/medical leave will be rescheduled by the BUE's manager within 30 days of return
- \*BUEs returning from leave that was occasioned by their own serious illness must provide medical certification of their ability to perform the functions of their job. Failure to provide this certification may result in a delay in restoration of employment until the certification is provided

## Return to Work Cont.

\*If BUEs fail to return to work upon completion of family/medical leave without contacting UVMMC regarding the reason of this failure, they will be considered as having voluntarily terminated

\*In the event that a bargaining unit employee elects not to return to work upon completion of family/medical leave, UVMMC may recover from the BUE the cost of any payments made to maintain the BUE's benefits except where the BUE does not return because of the continuance, recurrence or onset of serious illness or other circumstances beyond the BUE's control