STEP BY STEP GUIDE

Family and Medical Leave (FMLA)

Qualifying for FMLA

DO YOU QUALIFY FOR FMLA?

Have you been employed at Baylor for at least 12 months?

Have you worked 1,250 hours in the previous 12 month period?

If you answered 'yes' to both questions, you qualify for FMLA

Quick Facts

FMLA is job-protected leave for up to 12 workweeks in a 12 month period.

Faculty or staff members on FMLA leave will not lose their position, suffer a demotion, or decrease in salary by using FMLA.

Qualified faculty and staff may be granted up to 480 hours off in a 12 month period.
Reasons to Use FMLA

- **ADOPTION**: Adoption of a child, and care for the adopted child within one year of placement.
- **BIRTH OR CARE FOR CHILD**: Birth of a child, or care for a newborn within one year of birth.
- **FOSTER CARE**: Placement of a child into foster care of a faculty or staff member’s home.
- **CARE FOR A FAMILY MEMBER**: Care for a qualifying family member with a serious health condition.
- **CARE FOR AN ACTIVE DUTY MILITARY MEMBER**: Qualified spouse, child, or parent is a military member on covered active duty.
- **EXIGENCY LEAVE**: Available to qualified employees with eligible family members in the Armed Forces.

### INFORMATION ABOUT REQUESTING FMLA

#### Care for a newborn or recently placed foster child:
- **30 day written notice** to the supervisor is required to determine the start of the leave period.
- If notice is not foreseen, notify as soon as possible.
- Notice from a health care provider is needed for care of a newborn.

#### Planned medical treatment or care for serious health condition:
- **30 day written notice** to the supervisor is required to determine the start of the leave period, or minimally within 2 working days of learning of the need to take leave.
- If caring for an eligible family member with a serious health condition, a health care provider’s statement must be provided to the supervisor with an estimation for the amount of leave required for care.

#### Updates to supervisor:
- Provide update **every 30 days** regarding status and intent to return to work upon conclusion of leave.
- A return-to-work certification from a healthcare provider is required.
Steps to Apply for FMLA

STEP 1
✔ Read the FMLA Policy.

STEP 2
✔ Submit the FMLA Request and Action Form to supervisor.

STEP 3
✔ Provide the Health Care Provider(s) with a copy of Baylor's FMLA Policy and the Certification of Health Care Provider Form.

STEP 4
✔ The Health Care Provider(s) should return the completed Certification of Health Care Provider Form directly to Human Resources.

STEP 5
✔ Human Resources will review the FMLA Request/Action Form and the Certification of Health Care Provider Form(s).

STEP 6
✔ Human Resources will notify the faculty or staff member and their supervisor that their FMLA Request has either been approved or denied.

If the FMLA has been approved:

STEP 7
✔ Faculty members will be paid in accordance to their contract.

Staff members should review their leave accrual balances (sick, personal, vacation, paid parental leave) to determine if they have accrued enough time to cover the period of time they will be on FMLA. Shared sick leave may also be available.
Steps to Apply for FMLA continued

**STEP 8**

✅ While on FMLA, the faculty or staff member is responsible for providing periodic updates on their leave status to Human Resources. The frequency of the updates will be specified on the approval notification.

The FMLA Leave Tracking Form should be used for tracking the number of FMLA hours used and reporting that information to Human Resources.

**Prior to returning to work:**

✅ **STEP 9**

The faculty or staff member on FMLA will need to provide Human Resources with a statement from their Health Care Provider that specifies the date they will be released to return to work, and if applicable, the restrictions and duration of restrictions.

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**Key Points about the Process**

**DETERMINING FMLA TIME**

Baylor reduces the amount of eligible FMLA granted by any previously used weeks in the prior 12 month period.

Faculty and staff granted FMLA must use available paid leave benefits: paid parental leave and accrued sick, vacation, and personal leave, after which remaining FMLA will be a non-compensated leave of absence.

**NOTICE OF DECISION**

Baylor will notify the faculty or staff member of the eligibility of FMLA leave within **five business days** after the FMLA Request and Action Form and Certification of Health Care Provider Form are reviewed.

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**Recertification**

**Lifetime Conditions**

May be re-certified a minimum of every six months, or earlier if circumstances have changed

**Other Conditions**

May be re-certified a minimum of every 30 days, or earlier if circumstances have changed
WHEN BOTH SPOUSES WORK FOR BAYLOR

For spouses who work for the same employer, some FMLA-eligible reasons for leave are subject to a combined limitation.

Faculty and staff with spouses working for Baylor are limited to a combined 12 weeks for the following reasons:

- Birth of a child, and care for the newborn in the first year of life
- Placement of a child into foster care, or adoption of a child, and caring for placed child within one year
- Care for a parent with a serious health condition

With approval from a supervisor, a birth mother may use reduced schedule and intermittent FMLA to transition back to a full-time schedule.

INTERMITTENT SCHEDULING

FMLA may be taken intermittently when medically necessary for one's own, or an immediate family member's, serious health condition.

ADOPTION AND FOSTER CARE

A faculty or staff member may take FMLA prior to the adoption or placement of a child for adoption or foster care if required.

Employees may need to:

- attend court proceedings
- participate in counseling sessions
- complete a physical examination
- travel internationally to complete adoption

Documentation by the court is required for foster care of adoption cases.

BENEFIT CONTRIBUTIONS

If faculty or staff elect to continue benefits while on FMLA leave, they will still be required to pay benefit contributions. If they elect to cancel benefits while on FMLA leave, they must notify HR.

After FMLA leave ends, the faculty or staff member has 30 days to reinstate coverage.

Resources

BAYLOR HUMAN RESOURCES

Robinson Tower, Suite 200
254-710-2000
askHR@baylor.edu

Mailing Address:
One Bear Place #97053
Waco, TX 76798-7053