



## Office of Human Resources Key Provisions of the Family and Medical Leave Act (FMLA)

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These guidelines are intended to provide a brief overview of the key provisions of the policy and the procedures to request FML. If there is a discrepancy between these provisions and the current USM policy, the latter will sustain.

In accordance with the Family and Medical Leave Act (FMLA) and USM Policy on Family and Medical Leave (FML), VII -7.50, Coppin State University (CSU) will provide *eligible* employees up to a maximum of twelve (12) weeks of unpaid leave during a rolling twelve (12) month period for certain family and certain serious health conditions. FML can be taken continuously; under certain circumstances, on a reduced FML schedule; or intermittently over the course of a rolling twelve (12) month period. If an employee is eligible for accrued sick leave that is also covered by the FML, the use of accrued sick leave and the leave under the FML run concurrently. In accordance with specific provisions of the USM leave policy, eligible employees must exhaust all accrued annual leave and personal leave prior to using unpaid FML.

Employees may request FML for the birth of the employee's child; placement of a child with the employee for adoption or foster care; the need to take care of the employee's child within a rolling twelve (12) month period from birth or placement; the need to take care of the employee's immediate family member who has a serious health condition; and for the serious health condition of the employee. Additionally, FML eligible employees are *eligible* to the following: FML due to a call to active duty provides for a maximum of twelve (12) weeks of leave due to a spouse, child, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. FMLA to care for an injured service member: This benefit provides for a maximum of twenty-six (26) weeks of leave during a rolling 12-month period for a spouse, child, parent, or next of kin caring for a recovering service member.

### **Eligibility**

In order to be eligible for FML, you must have been employed for at least 12 months and have worked at least 1,040 hours immediately prior to the beginning date of the FML. If these conditions are met, a maximum of 12 weeks of FML may be granted per rolling calendar year. It can be taken continuously or under certain circumstances, intermittently.

### **Health Insurance Continuation**

During the course of FML, your health insurance benefits will continue to be subsidized by the State of Maryland, provided you continue to pay your portion of the benefits (subsidized benefits include health insurance, prescription drugs, and dental insurance).

### **Leave Status**

FML is unpaid. USM policy require employees to use all paid leave prior to taking unpaid FML. This means that employees must use their accrued sick time to cover their absence. If the employee does not have enough accrued sick time, all other accrued leave must be used prior to taking unpaid FML. Once FML is approved, you should work with your supervisor to make sure your timesheet is correct.

Again, FML is taken in conjunction with Sick Leave; it is not an either/or option.

### **Job Protection**

You will be restored to your former position as long as you return within the 12-week period. Please refer to USM-7.50 Policy on Family and Medical Leave, Paragraph X. F if you are considered a “key” employee since the restoration of a key employee differs from other levels.

### **UNUM Disability Insurance**

If you are enrolled in the USM disability plan, you should contact the plan representative to make arrangements to set up payments once the waiting period has expired. Plan options include a 90-day or 365-day waiting period.

### **Retirement**

**Disability retirement** – If your absence is serious and may qualify for disability retirement (available to employees who are in the Employee/Teachers’ Pension System, or the Law Enforcement Officers Pension System {for USM Police Officers only}), we will send you information regarding applying for disability retirement, if you request the paperwork.

**Normal retirement** – If you are eligible to retire under normal retirement conditions and would like information sent to you, please contact the Office of Human Resources.

### **Instructions:**

1. Complete the Request for Family and Medical Leave and return it to the Office of Human Resources for all cases of FML prior to the first date of absence.
2. For FML related to the employee’s serious health condition, have your treating physician complete the Certification of Health Care Provider for Employee’s Serious Health Condition.
3. For FML related to an eligible family member’s serious health condition, have their treating physician complete the Certification of Health Care Provider for Family Member’s Serious Health Condition.
4. For FML related to the serious injury or illness of a covered service member, complete parts B and C of section I of the Certification for Serious Injury or Illness of Covered Service member-for Military Family Leave. Have the treating physician of the covered service member complete parts A, B and C of section II of the Certification for Serious Injury or Illness of Covered Service member-for Military Family Leave.
5. For FML related to a qualifying exigency, complete section II of the Certification of Qualifying Exigency for Military Family Leave.
6. Upon receipt of the Request for Family and Medical Leave and relevant certification documents, the Office of Human Resources will return to the employee a Designation Notice indicating approval or denial and a Notice of Rights and Responsibilities under FMLA.
7. Employees are required to use their sick leave in conjunction with FML. Sick leave will be recorded on the timesheet during FML. If the employee does not have enough sick leave to cover their absence, personal and annual leave must be used to cover their absence, if applicable. If the employee does not have any accrued leave available to use, then the employee must request Advance Sick leave if applicable. When all accrued leave or Advance Sick Leave is exhausted, the employee will be permitted to use unpaid FML. **It is important to note that Advanced Sick leave is only available to administrative (non-faculty) employees and is subject to approval. It is not an entitlement.**
8. If the employee takes unpaid FML, arrangements must be made to continue participation in the State of Maryland Health Benefits programs and/or State Retirement and Pension System programs. Please contact the Office of Human Resources for more information.
9. **The Office of Human Resources is responsible for entering time for an employee on FML. It is the**

responsibility of the supervisor or other designee to approve time entry. Under no circumstance should the employee be completing their timesheet during their FML or performing any other work-related duties during such leave.

10. *All employees will be required to recertify their FML every 30 calendar days.* The employee will use the same form as the original certification.
11. **The Return to Work Certification Form must be completed and submitted to the Office of Human Resources prior to returning to work. This form must be completed and signed by the employee's treating physician for FML for the employee's serious medical condition.**

**For more information, please contact:  
Office of Human Resources  
(410) 951-3666 Phone (410) 951-3667 Fax**

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