

Family and Medical Leave (FML) Frequently Asked Questions (FAQs)

Q. Who needs to apply for FML and why?

A. An employee whose leave meets the qualifications listed on page 2 of the FML application. The most common reason an employee qualifies for FML is being absent for more than 3 consecutive business days, has seen a physician and has been prescribed medication other than over-the-counter (OTC) drugs.

Q. I have plenty of sick leave, vacation and sick leave pool to cover my serious illness. What if I just don't apply for FML?

A. The FML policy of your employer as well as State and Federal Law requires you to apply for the leave. You will be offered the opportunity to apply and if you choose not to apply you may not be eligible to apply for it later and could be disciplined by your department for failing to comply with policy. Your employer will be under no obligation to grant you leave without pay unless you are on FML when your paid leave is exhausted.

Q. Where do I get paperwork to apply for FML?

A. HSC Operating Policy 70.32, Family and Medical Leave (FML) contains the detailed information and instructions for applying for FML. Attached to the policy are the Application Form, Certification of Health Care Provider Form, and an information sheet explaining your rights under the FMLA of 1993. The policy and attachments can be obtained from the Human Resources Office in your location or found on the internet at: <http://www.ttuhs.edu/hsc/op/op70/>

Q. I have submitted a doctor's note to my supervisor, why do I have to get the Certification of Health Care Provider Form completed for FML?

A. The Certification of Health Care Provider Form contains questions concerning the nature of your illness that, when answered by your physician, will help the HR staff determine if you're condition qualifies as a serious medical condition by policy and Federal Law. Most doctors' statements only state that the employee was under the care of a physician and more detailed information concerning your illness or injury is needed to qualify you for FML.

Q. What if I do not get the Certification of Health Care Provider Form back to HR by the date stated in the letter I received?

A. If the Health Care Provider Certification Form is not returned by the date in the letter received from HR, you will need to contact HR and explain the situation. You should still get the form completed and turn it in with the application for FML as soon as possible, so you will have the job protection afforded F&ML.

Q. I understand that I can take FML for an “immediate family member”. Which of my family members qualify as “immediate family members”?

A. An employee’s spouse, children (son or daughter), and parents are immediate family members for purposes of FML. The term “parent” does not include a parent “in-law”. The terms son or daughter do not include individuals age 18 or over unless they are “incapable of self-care” because of mental or physical disability that limits one or more of the “major life activities” as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

Note to employees: This Q & A is not intended to be an exhaustive explanation of TTUHSC Operating Policy 70.32, Family and Medical Leave (FML). Employees are encouraged to read the policy. Additional Q & A’s may be added to this site at any time with or without notice to employees. Specific questions concerning TTUHSC FML policy can be addressed to: karen.givan@ttuhsc.edu. Additional information relating to FML may also be obtained from the following resource:

U. S. Department of Labor at: <http://www.dol.gov/elaws/esa/fmla/faq.asp>