

PROCEDURAL GUIDELINES FOR ROUTINE FML REQUESTS

Step 1: Employee states need for leave for potentially FML-qualifying reason.

Employee provides enough information for supervisor to determine that leave being requested is for a reason that may qualify for Family and Medical Leave (FML).

Employee need not mention FML specifically. For example, the following would be adequate notice that employee is seeking leave for a potentially FML-qualifying reason, provided this information is obtained directly from employee or employee's spokesperson:

- Employee is in hospital
- Employee is unable to work because of pregnancy
- Employee needs to care for family member who is under a doctor's care

Simply calling in "sick" is not enough.

Step 2: Determine whether employee is eligible for FML.

In order for an employee to be eligible for FML, the employee must meet the following criteria:

- Employee must have worked for UC (on payroll status) for at least 12 months. The 12 months do not have to be consecutive.
 - Time spent on a military leave from UC counts toward the 12 months.
- Employee also must have worked at least 1250 actual hours in the 12 months immediately prior to the beginning date of leave.
 - Military leave from UC counts toward the 1250 hours.
 - Exempt employees with appointments of 60% time or greater are presumed to have worked the 1250 hours if they have met the 12 month requirement. However, consult HR if such an employee had extended absences during the previous 12 months.

Step 3: Confirm that employee has not exhausted leave entitlement in applicable 12 month period.

- Full-time employees who meet FML eligibility requirements are entitled to use up to 480 hours of protected FML per calendar year. If an employee does not work full-time, their annual allotment of protected hours is pro-rated. To determine the number of hours of protected leave a part-time employee is entitled to use, multiply the average weekly

hours worked times 12. For example, if the employee works an average of 30 hours per week, multiply 30 times 12. (30 X 12 = 360).

- Entitlement for Military Caregiver Leave: 26 work weeks in the 12-month period beginning with the first day of Military Caregiver Leave.

Step 4: Written Notice Requirement

The letters/notices referenced in the following steps are accessible at the link below.

[Required Notices for Employees](#) (intranet)

Due Date: To employee **within 5 business days** of receipt of notice of need for leave.

Depending on employee's eligibility and remaining leave entitlement, follow A, B, or C:

A. If employee is not FML eligible:

- Inform the employee that they are not eligible for FML using [Letter 01 – FML Ineligible](#). Attach enclosures identified in that letter.

B. If employee is FML eligible but employee's FML leave entitlement has been exhausted for the applicable 12-month period:

- Inform the employee that their FML entitlement has been exhausted using [Letter 02 – FML Entitlement Exhausted](#). Attach enclosures identified in that letter.

C. If employee is FML eligible, has not exhausted his or her FML leave entitlement for the applicable 12-month period, and has not already provided a clear and sufficient medical certification:

- Inform the employee that their leave will be provisionally designated as FML using the appropriate letter listed below. Attach enclosures identified in that letter.
 - [Letter 03 – Employee Serious Health Condition – Provisional Designation](#)
 - [Letter 04 – Family Member Serious Health Condition – Provisional Designation](#)

Please note: If the leave requested is Military Caregiver Leave or Qualifying Exigency Leave, contact a Leave of Absence Consultant in Employee and Labor Relations for guidance.

Step 5: Follow up if Certification is not returned.

- Employee should return the completed Medical Certification within 15 calendar days of UC's request, absent extenuating circumstances. Grant employee a reasonable amount of additional time if s/he has been unable to obtain the Certification in spite of employee's diligent, good faith efforts.
- If Certification is not received within 15 calendar days or the additional time provided, send [Letter 07 – Certification Not Received](#) to the employee, along with enclosures identified in that letter.
- After the letter is sent, employee should provide Certification within 7 calendar days of the request. Again, grant employee a reasonable amount of additional time if employee has been unable to obtain Certification in spite of employee's diligent, good faith efforts.
- Employee's request for FML leave may be denied or delayed if Certification is not received within stated deadline(s). Always consult with a Leave of Absence Consultant in Employee and Labor Relations before denying a request for FML.

Step 6: Acknowledge Receipt of Medical Certification

Thoroughly review the medical certification to ensure that it is complete, clear, and sufficient. See Medical Certification Content. Follow A or B below as appropriate.

A: If the Medical Certification is complete, clear, and sufficient:

Acknowledge receipt of the document in writing and inform the employee of how their absences will be designated using [Letter 08 – Certification Acknowledgment – Designation Notice](#). Check boxes in the letter as necessary and attach enclosures identified in the letter.

B: If Medical Certification is not complete, clear, and sufficient:

Consult with a Leave of Absence Consultant in Employee and Labor Relations at 916-703-FMLA or 916-734-2924. The Consultant will ask to be provided with a copy of the Medical Certification. After careful review, the Consultant will advise you of the necessary steps that must be taken and provide you with a letter which includes the specific language required by FMLA regulations to advise the employee of a need for more information or clarification.

Please note: If the leave requested is Military Caregiver Leave or Qualifying Exigency Leave, contact a Leave of Absence Consultant in Employee and Labor Relations for guidance.

Step 7: Submittal of Medical Documents to Human Resources

Effective April 12, 2015, supervisors will be required to send the following medical documents completed by an employee's health care provider to the HR Records Unit :

- Medical Certifications
- Any type of note or work status report
- Leave extensions
- Return to work certifications

Instructions for document submittal:

1. Click on the link below to for access to the **Cover Sheet for Leave of Absence Documentation Submittal**.
2. Enter all of the information required into the Cover Sheet and print it.
3. Place the Cover Sheet on top of the medical document(s).
4. Scan the cover sheet and medical document(s) and save them.
5. Send the Cover Sheet and medical document(s) electronically (by e-mail) to HR Records at the following address: hr.records@ucdmc.ucdavis.edu

Cover Sheet for Leave of Absence Documentation Submittal

Once received, the documents will be stored in OnBase®, a secure repository. Those documents may be reviewed by Leave of Absence Consultants in Employee and Labor Relations. This review could prompt a request to an employee for clarification or recertification if discrepancies are found.

Return to work/reinstatement.

If the employee is on a continuous leave, the employee must provide you with a **Return to Work Certification** on or before date employee returns to work. The employee does not have to provide the UC or UCDHS version of this document as long as the document provided includes the following:

1. A statement indicating the employee is released to return to work.
2. The date in which the employee may return to work.
3. Any required work restrictions or limitations.
4. The range of dates in which any work restrictions or limitations are in effect.

Shortly before the anticipated return date, it is recommended that you remind the employee that Return to Work Certification will be required.

If employee is released to return with restrictions, contact a Leave of Absence Consultant in Employee and Labor Relations for advice.

Leaves Extended Beyond 90 Days

The Leave of Absence Consultant in Employee and Labor Relations should be notified whenever an employee is about to exceed or has exceeded 90 days of continuous leave. Upon notification, the Consultant will review the case and consult with Disability Management Services (DMS) to determine whether it should be referred to DMS for review and recommendations or whether other action should be taken to assist the employee in returning to work.

Intermittent FML Concerns

If an employee is not taking intermittent FMLA leave in accordance with his/her medical certification, or if an employee has developed a pattern of absences that fall in conjunction with weekends, holidays, or scheduled days off, you may be able to ask the employee to return to the health care provider for recertification. Please consult with Employee and Labor Relations before asking an employee to recertify under these circumstances.

REFERENCED LETTERS/NOTICES FOR EMPLOYEES

[Required Notices for Employees](#) (intranet)

ATTACHMENTS REFERENCED IN LETTERS

[Certification of Health Care Provider for Employee's Serious Health Condition](#)

[Certification of Health Care Provider for Family Member's Serious Health Condition](#)

[Certification for Qualifying Exigency Leave](#)

[Certification for Military Caregiver Leave](#)

[Declaration of Relationship for FML](#)

[Employee Rights and Responsibilities Fact Sheet](#)

[Return to Work Certification](#)

[Exempt Employee Workweek Agreement for FML Taken on a Reduced Schedule or Intermittent Basis](#)