

FAMILY AND MEDICAL LEAVE (FML) ELIGIBILITY CHECKLIST

Academic Faculty/Non-Classified Staff

The Family and Medical Leave Act (FMLA) is a federal regulation that grants eligible employees the right to take 12 work weeks of leave over a 12-month period due to an FMLA-qualifying reason. For detailed information regarding CSU's policy, including information on how to calculate the 12-month period of entitlement, intermittent leave and continuation of benefits, please refer to Appendix 3 of the Faculty/AP manual (<http://www.facultycouncil.colostate.edu/files/manual/appendic.htm#Appendix%203>) or contact the CSU Benefits office.

When determining if leave is covered by the FMLA, there are two primary factors to consider – employee eligibility and qualification of the type of leave.

First, review the reason for the leave and determine if the leave reason is covered by the FMLA. The following are FMLA qualifying events:

- ✓ The birth of a son or daughter, and to care for the newborn child (leave must be completed within 12 months of the date of birth);
- ✓ The placement of a son or daughter for adoption or foster care with the employee and to care for the newly placed child (leave must be completed within 12 months of the date of placement);
- ✓ To care for a spouse, son, daughter, or parent with a serious health condition; and
- ✓ Because of a serious health condition which causes the faculty member or employee to be unable to perform one or more of the essential functions of his or her position.
- ✓ Military family leave:
 - To care for a husband or wife, parent, child, or next of kin, who is a covered service member with a serious injury or illness resulting from Federal active duty (additional leave entitlement may be available under this criteria -- up to 26 weeks).
 - To attend to affairs (qualifying exigencies) when the spouse, parent, son, or daughter is on active duty or called into active duty in support of a contingency operation for the military.

Is the employee eligible for FMLA leave? All of the following criteria must apply:

- ✓ The employee has worked for the University for at least 12 months – this time does not need to be consecutive and includes any past employment as a student, GA, non-student hourly, classified, etc.
- ✓ The employee has worked at least 1,040 hours during the 12 months immediately preceding the first day of the leave.
 - The appointment or employment may have been in one or any combination of covered employment categories.
 - Academic Faculty members and Administrative Professional staff with regular, multi-year research, or special nine (9)-month, part-time appointments of half-time (0.5) time or greater are deemed to have met the 1,040 hours standard.
- ✓ The employee has not previously exhausted their 12-week entitlement of Family and Medical Leave in the past 12 months. (If an employee has used part of the 12 weeks, he or she may be eligible to use the remainder, consistent with policy.)

If you have questions regarding FML eligibility, or want to discuss specific situations, please contact the CSU Benefits Office at 491-6737.