



UNIVERSITY of SOUTH FLORIDA

FMLA FAQs

The [Family and Medical Leave Act \(FMLA\)](#) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. If you meet the eligibility requirements, you may take up to a total of 12 weeks (480 hours) of unpaid leave during a 12-month period. Our FMLA team is available to assist with any questions regarding FMLA and to assist you through the process. Please contact FMLA@usf.edu for additional information.

What qualifies for FMLA?

Only certain conditions qualify for FMLA, some of the most common ones include:

- You have a serious health condition
- You need to care for a family member (parent, spouse, or child) with a serious health condition
- You are unable to work for reasons related to pregnancy, prenatal medical care, or childbirth
- You are a new parent (this includes mothers, fathers, same-sex spouses) and you are taking leave to bond with your newborn, newly adopted child, or newly placed foster child
- You need to care for an armed services member who has become seriously injured in the line of duty; or for an emergency due to a family member's active duty; or call to active duty in any branch of the U.S. Armed Forces

Am I eligible?

To be eligible for FMLA, you must meet all of the following requirements:

1. Have at least 12 months of employment (need not be consecutive) with USF; *and*
2. Have worked at least 1,250 hours for USF during the 12 months prior to the start of the FMLA leave; *and*
3. Have not exhausted your current FMLA entitlement.

What should I do if I don't qualify for FMLA but still need leave?

Contact the FMLA team at FMLA@usf.edu and they can assist you with discussing other leave options.

When should I apply for FMLA?

The following are some examples of when you should apply for FMLA:

- When you have missed more than 3 consecutive or non-consecutive days of work (full or partial) due to a qualifying FMLA reason.
- If you have a planned or unplanned medical procedure.
- If you have an inpatient hospital stay.



Who is responsible for notifying USF of FMLA needs?

It is you, the employee's, responsibility to notify the FMLA team in Central Human Resources of FMLA needs. Your supervisor or leave coordinator may contact the FMLA team if your attendance reflects that you have been out in a pattern that suggests that you could need FMLA.

While on FMLA, will I continue to receive pay?

FMLA is an unpaid leave of absence, however, an employee can use their own accrued leave to remain in a paid status while on FMLA.

What happens to my benefits while on FMLA?

You will continue to be responsible for paying your monthly contributions for your benefits during FMLA leave. If you have accrued leave that you will use during FMLA, your deductions will continue through payroll. If you are receiving partial pay or have run out of accrued leave and are not receiving pay, any deductions that are not paid through payroll will need to be paid. You are responsible for making the necessary arrangements to pay these deductions. Please reach out to the Benefits Team at benefits@usf.edu for additional information.

In determining eligibility, does the 12 months of service have to be continuous or consecutive with the employer?

No. The 1,250 hours include only those hours actually worked for USF. Paid leave and unpaid leave, including holidays, vacation, sick days, and FMLA leave, are not included for purposes of calculating eligibility.

How is the 1250-hour eligibility requirement calculated under FMLA?

FMLA is calculated by looking at the 12-month period measured backward from the start date of the employee's requested leave period.

What are the leave options while on FMLA?

- Continuous leave - An employee is absent for more than 3 consecutive days and has ongoing medical treatment.
- Intermittent leave - An employee takes leave in periodic increments of time; hourly, daily, and/or weekly increments.
- Reduced schedule leave - An employee continues to work, but the employee's regular work schedule is reduced to a certain number of hours per day, week, and/or month.



What is a Serious Health Condition?

- Conditions requiring an overnight stay in a hospital or other medical care facility.
- Conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication).
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Am I required to prove that I have a serious health condition?

Yes, to qualify for FMLA you must complete a certification issued by a health care provider regarding either your own serious health condition or a serious health condition of an immediate family member. You have 15 calendar days to obtain the medical certification.

Would the common flu or a severe cold be covered under the FMLA if I am out for more than three days?

Typically, such transient illnesses are not considered a serious health condition and would not, therefore, be covered under FMLA. Please reach out to us at FMLA@usf.edu to discuss the situation and allow the FMLA team to determine eligibility.

Do I have to give my employer my medical records for leave due to a serious health condition?

No. At USF, we will never ask for your personal medical records. At USF we ask employees to provide a medical certification containing sufficient medical facts to establish that a serious health condition exists.

Who can see my completed medical certification form?

Only the FMLA team in Central Human Resources will have access to the medical certification form. Do not provide your medical certification to your supervisor or department leave coordinator. You can submit your medical certification to FMLA@usf.edu.

What happens if I am notified that my medical certification is incomplete?

A complete medical certification is needed to be approved for FMLA. We will advise you if your medical certification is incomplete and provide you an additional 7 days to have your health care provider update the form with the requested information.



May my employer contact my health care provider about my serious health condition?

FMLA [regulations](#) clarify that contact between an employer and an employee's health care provider must comply with the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. Under the regulations, employers may contact an employee's health care provider for authentication or clarification of the medical certification by using a health care provider, a human resource professional, a leave administrator, or a management official. In order to address employee privacy concerns, the regulations make clear that in no case may the employee's direct supervisor contact the employee's health care provider. Employers may not ask the health care provider for additional information beyond that contained on the medical certification form.

How often can USF ask for medical certifications for an on-going serious health condition?

The regulations allow an employer to request a recertification if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. Additionally, employers may request a new medical certification each leave year for medical conditions that last longer than one year. The FMLA team will contact you if a recertification is needed.

Can USF require employees to submit a Return-to-Work form before returning to work after being absent due to a serious health condition?

Yes, USF requires employees on continuous FMLA for their own serious health condition to complete Return-to-Work form. This form is needed after being out on continuous leave to confirm that you are medically cleared to return to work. The form and additional information will be provided in your FMLA designation notice.

What happens if I do not submit a requested medical or fitness-for-duty certification?

If an employee fails to timely submit a properly requested medical certification (absent sufficient explanation of the delay), FMLA protection for the leave may be delayed or denied. If the employee never provides a medical certification, then the leave is not FMLA leave. If an employee fails to submit a properly requested fitness-for-duty certification, the employer may delay job restoration until the employee provides the certification. If the employee never provides the certification, he or she may be denied reinstatement.

How does USF calculate FMLA?

FMLA is tracked by fiscal year (July 1st - June 30th).



Can I take leave for my own serious health condition and leave for the care of a family member during the same fiscal year?

Yes, however, you are still subject to the 12 weeks (480 hours) maximum of FMLA for the fiscal year.

What do I need to do if I need FMLA beyond the current fiscal year?

An employee must reapply for FMLA every new fiscal year, and a new medical certification may be required.

What happens if I exhaust my FMLA and I still need leave?

In certain circumstances, USF may be able to offer other medical leave of absences for an employee's own serious health condition. Please reach out to the FMLA team at FMLA@usf.edu for additional information.

Are there any restrictions on when an employee can take leave for the birth or adoption of a child?

Yes, leave to bond with a newborn or a newly placed adopted or foster child must be completed within the first 12 months from the date of birth or placement of the child.

When can a parent take leave for a newborn?

All parents have the same right to take FMLA leave to bond with a newborn child. Pregnant employees can also take FMLA leave for prenatal care, incapacity related to pregnancy, and for her own serious health condition following the birth of a child. Employees can also use FMLA leave to care for their spouse/domestic partner who is incapacitated due to pregnancy or childbirth. Eligible spouses who work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period.

FMLA vs USF Faculty Paid Parental Leave. Why do I have to complete both forms?

FMLA and Faculty Paid Parental Leave are two separate programs that must run concurrently (at the same time). FMLA is unpaid leave that protects your job while you are on Faculty Paid Parental Leave. Faculty Paid Parental leave provides pay during this time. For additional questions, please reach out to FMLA@usf.edu or your department's leave coordinator.

FMLA vs USF Parental Leave (Unpaid). Why do I have to complete both forms?

FMLA and Parental Leave (Unpaid) are two separate programs that must run concurrently (at the same time). FMLA is unpaid leave that protects your job while you are on Parental Leave (Unpaid). Parental leave does not provide pay during this time; however, your accrued leave can be used to remain in a paid status. For additional questions, please reach out to FMLA@usf.edu.