

YOUR RIGHTS AND RESPONSIBILITIES

under the

FAMILY MEDICAL LEAVE ACT (FMLA)

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth;
- For the birth of a child or placement of a child for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job; or
- For certain qualifying exigencies related to the deployment of a military member to covered active duty.

Military Caregiver Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. If applicable, your eligibility notice will identify the date that the single 12-month period for Military Caregiver Leave began.

Leave Calculation

The 12-month period for FMLA leave is calculated as a "rolling" 12-month period measured backward from the date of any FMLA usage. Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the 12 months immediately before the FMLA is to start.

Key Employee

Unless otherwise stated in your eligibility email, you are not considered a key employee as defined by the FMLA.

Substitution of Paid Leave for Unpaid Leave

You have a right under the FMLA to request that your accrued paid leave be substituted for your FMLA leave. This means that you can request that your accrued paid leave run concurrently with some or all of your unpaid FMLA leave, provided you meet any applicable requirements of our leave policy. Concurrent leave use means the absence will count against both the designated paid leave and unpaid FMLA leave at the same time. If you do not meet the requirements for taking paid leave, you remain entitled to take available unpaid FMLA leave in the applicable 12-month period.

Even if you do not request it, the FMLA allows employers to require you to use your available sick, vacation, or other paid leave during your FMLA absence. UAB is requiring you to use your available paid leave during your FMLA leave. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

Any time taken as Short-Term or Long-Term Disability leave, or Paid Parental Leave, for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued to work.

During any *paid* portion of leave, your share of any premiums will be paid by the method normally used during any paid leave. During any *unpaid* portion of FMLA leave, you must continue to make any normal contributions to the cost of health insurance premiums. To make arrangements to continue to make your share of the premium payments on your health insurance while you are on any unpaid FMLA leave, contact UAB Human Resources Benefit at Benefits@uab.edu.

You have a minimum grace period of 30 days in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave and recover these payments from you upon your return to work.

You may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave if you do not return to work following unpaid FMLA leave for a reason other than: the continuation, recurrence, or onset of your or your family member's serious health condition which would entitle you to FMLA leave; or the continuation, recurrence, or onset of a covered servicemembers' serious injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control.

Upon return from FMLA leave, your other employee benefits, such as pensions or life insurance, must be resumed in the same manner and at the same levels as provided when your FMLA leave began. To make arrangements to continue your employee benefits while you are on FMLA leave, contact UAB Human Resources Benefit at Benefits@uab.edu.

Return to Work Requirements

You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. An equivalent position is one that is virtually identical to your former position in terms of pay, benefits, and working conditions. At the end of your FMLA leave, all benefits must also be resumed in the same manner and at the same level provided when the leave began. You do not have return-to-work rights under the FMLA if you need leave beyond the amount of FMLA leave you have available to use.

Other Requirements While on FMLA Leave

While on intermittent FMLA leave you will be required to comply with the employer's policies on calling out of work for unplanned absences or tardies.

You will be required to periodically update your employer on your status and your intent to return to work at the conclusion of your leave. If you require an extension of your leave, you must provide reasonable advance notice prior to the end of your leave to your employer and to Human Resources.

Human Resources Office
205/934-4408

The University of Alabama at Birmingham encourages individuals who have complaints to contact Human Resources prior to contacting an outside agency. If you desire to utilize UAB's internal complaint procedure contact: Human Resources Relations.