

# University of Alaska Family Medical Leave (FML) Frequently Asked Questions

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## 1. What is Family Medical Leave?

Family Medical Leave (FML) is a University of Alaska regulation (UA Regulation 04.06.144) based on the Family & Medical Leave Act (FMLA) and the State of Alaska's Pregnancy, Childbirth, & Family Leave Act (AFLA). The state and federal laws require employers to allow eligible employees to take leave and to provide certain benefits for specific qualifying events for a specific period of time. Upon return from FML, the employee will be reinstated to the same or equivalent position with the same pay, benefits, and terms and conditions of employment.

## 2. Am I eligible for FML?

All employees of the University of Alaska are eligible to request family medical leave if they have been employed with the University of Alaska for the length of time required by federal and state law. Federal law requires that a person be employed by the university for at least 12 months **and** have worked for at least 1,250 hours (not including annual, personal holiday, sick, holiday leave, or faculty time off) during the 12 month period immediately preceding the leave. State law requires that a person be employed by the university for at least 35 hours a week for at least six consecutive months **or** for at least 17 ½ hours a week for at least 12 consecutive months immediately preceding the leave.

When an FML request is received, University of Alaska Human Resources (UA HR) will review the eligibility of the employee against federal and state requirements.

## 3. In what circumstances will Family Medical Leave be granted?

Eligible employees are entitled to family medical leave for the following reasons:

- A serious health condition which makes the employee unable to perform their job duties
- A serious health condition of certain family members which requires the employee's care
- Pregnancy and birth of a newborn child (if taken within the first 12 months after birth)
- Placement of a child for adoption or foster care (if taken within the first 12 months)
- Workers' Compensation

Leave is also available in certain situations for military exigency and caring for a wounded service member. For more information on FML for Military Family Leave, please review the FAQ on Military Family Leave.

## 4. How do I request FML?

1. Submit an FML Request Form to your immediate supervisor for review and signature (note: the supervisor is just acknowledging the employee's request for FML; the supervisor does not approve the FML request).
2. Submit completed FML Request Form to UA HR via [ua-benefits@alaska.edu](mailto:ua-benefits@alaska.edu) or by dropping your form off to your local UA HR office.
3. UA HR will determine your FML eligibility and send you an eligibility notice along with a physician's certification form (WH-380-E or WH-380-F), if applicable.
  - i. For more information on your eligibility, please review question 2.
  - ii. For more information on the certification forms, please review question 7.
4. If you received a physician's certification form with your eligibility notice, please have your provider complete the form and submit to UA HR via fax at 450-8201 or to [ua-benefits@alaska.edu](mailto:ua-benefits@alaska.edu), within 15 days.

5. UA HR will review the certification and send your FML approval notice along with other applicable information.
6. Once on approved FML, please use earnings code 601 on your time sheet for all absences related to your approved FML event.

**5. What is the definition of a serious health condition?**

The determination of a serious health condition is made in accordance with federal and state law. A serious health condition includes an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility and any subsequent treatment in connection with an inpatient stay.
- Continuing treatment or continuing supervision by a health care provider.
- Any period of incapacity, or treatment for such incapacity, due to an acute or chronic serious health condition.
- Any period of incapacity, as certified by a physician, due to pregnancy or Cesarean section delivery.

**6. What conditions do not qualify as a serious health condition?**

The common cold, the flu, ear aches, upset stomach, minor ulcers, headaches (other than chronic migraines), routine dental or orthodontic care, periodontal disease, and taking over-the-counter medications are examples of conditions that do not meet the definition of a serious health condition. Each request for FML is reviewed by the UA HR office to determine if the condition qualifies for FML.

**7. Is medical certification required during FML?**

Medical certification is required if the FML request is for a serious health condition of the employee (form WH-380-E) or family members (form WH-380-F).

The information requested on the certification includes (1) the date on which the condition commenced, (2) the probable duration of the condition, and (3) appropriate medical facts regarding the condition. If the FML request is to care for a family member, the certification must include a statement of the care that the employee will provide.

You can find the WH-380-E and WH-380-F forms on the Department of Labor's (DOL) website. A link to the DOL website and the FML forms is available at [alaska.edu/benefits/leaves/family-medical-leave/](http://alaska.edu/benefits/leaves/family-medical-leave/).

Completed certifications should be sent directly to the UA HR office. You may fax the form to (907) 450-8201, send the form to [ua-benefits@alaska.edu](mailto:ua-benefits@alaska.edu), or drop it off to your local UA HR office.

All medical information is confidential and is kept separate from the employee's personnel file.

**8. When will I need to have my FML event recertified?**

The university requires recertification during continuous FML leave depending on the condition. If FML is intermittent, the university may also require certification of the dates of treatment and duration of treatment.

Please note: If your reported FML usage is inconsistent with your original certification, UA HR may require a new certification from your healthcare provider to substantiate absences.

## 9. What is the length of leave provided by FML?

Employees on approved FML will be granted leave as provided by federal and state law.

- Federal law has one entitlement that allows for up to 12 weeks in a 12 month period.
- State law has two entitlements: (1) up to 18 weeks in a 24 month period for serious health conditions and (2) up to 18 weeks in 12 months for pregnancy, childbirth, and adoption.

If you are eligible for both federal and state FML the entitlements will run concurrently.

Federal law also allows Military Family Leave for military exigency and caring for a wounded service member. For more information on FML for Military Family Leave, please review the FAQ on Military Family Leave.

## 10. Who is defined as a family member?

The federal and state laws have different definitions of a family member for FML purposes.

- Under federal law, an employee may take FML to care for the employee's child, spouse, or parent who has a serious health condition.
  - "Child" of the employee means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a physical or mental disability.
  - "Spouse" means a husband or wife.
  - "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child.
- Under state law, an employee may take FML in order to care for the employee's child, spouse, financially interdependent partner, or parent who has a serious health condition.
  - "Child" means an individual who is under 18 years of age, or who is 18 years of age or older and incapable of self-care because of mental or physical disability. "Child" includes the employee's biological, adopted or foster child, stepchild, child of a financially interdependent partner, or ward.
  - "Parent" means a biological or adoptive parent, a parent-in-law, a parent of a financially interdependent partner, or a stepparent.

## 11. When am I required to notify the university of my FML leave?

If an employee is expecting a new child (either by birth or placement) or taking foreseeable medical leave, the employee should provide **at least 30 days notice** to their supervisor and UA HR. ***If the leave must begin in less than 30 days, the employee must provide as much notice as practicable to their supervisor and UA HR.***

Employees who take a foreseeable leave for planned medical treatments should make a reasonable effort to schedule the treatment, subject to the health care provider's approval, so as not to unduly disrupt their department's operations. For more information on intermittent leave, please see the intermittent FAQ.

## 12. When I am on FML what happens to my employment with the university?

Employees taking FML are entitled to return to the same position or to another position which has equivalent pay, benefits, and terms and conditions of employment. However, if an employee's term contract ends, or their position is eliminated while they are on FML, there is no requirement to find the employee another position.

### 13. How do I complete my time sheet while I am on FML?

Accurate completion of timesheets is essential to properly account for your FML entitlement.

- If you are on **continuous** FML, you or your department must submit timesheets reporting your FML absences by charging to earnings code 601, regardless of your exempt vs. non-exempt status.
- If you are on **intermittent** FML, you will only use the earnings code 601 for absences that are directly related to your approved FML event.

### 14. What happens when I use earnings code 601 on my time sheets?

When you claim earnings code 601 on your timesheet, the system automatically cascades from sick leave, to annual leave, personal holiday, and/or faculty time off, followed by leave without pay when all paid leave is exhausted. *(Exception: FML absences for a qualifying exigency for military family leave are not eligible for sick leave; you must claim annual leave for these absences.)*

If you are eligible for the Leave Share Program, have applied to the program with UA HR, and sufficient sick leave donations exist, UA HR will enter paid leave in the event the system cascades to FML leave without pay.

### 15. What should I claim on my time sheet during the winter closure?

Absences during the week of winter closure should **not** be recorded as FML and will not count against your entitlement. Annual leave or leave without pay should be used during the winter closure. Sick leave may be used during the winter closure according to university regulation <https://www.alaska.edu/bor/policy/04-06.pdf> (R.04.06.130.C.7).

### 16. What if my serious health condition requires intermittent leave?

FML for a serious health condition may be taken on an intermittent or reduced schedule when medically necessary. This means FML may reduce the employee's usual number of hours worked per day or per week to accommodate appointments, treatment, or recovery.

Employees on intermittent leave should make a reasonable effort to schedule absences, subject to the health care provider's approval, so as not to unduly disrupt their department's operations. Employees who must be absent should notify their supervisor with as much advanced notice as possible.

If an employee is on approved FML on an intermittent basis, the university may temporarily transfer an employee to an alternative position during the period of intermittent or reduced-schedule leave to better accommodate the need for intermittent leave. The alternative position will have equivalent pay and benefits.

### 17. Can I take intermittent leave after the birth or placement of my child?

Yes. Leave for the birth or placement of a child may be taken on an intermittent or reduced schedule if approved by the employee's supervisor and must be taken within the first 12 months following birth or placement.

### 18. Does the Family Medical Leave Regulation require I use paid leave before leave without pay?

Yes. Employees who take FML must exhaust all accrued sick leave, annual leave, personal holidays (if applicable) and faculty time off prior to going on leave without pay.

**19. Can the university place me on FML if I do not request it?**

The university can place an employee on FML for absences which qualify and will notify the employee in writing that they have been placed on FML. A physician's certification will be requested to determine the length of leave if the event is a serious health condition for the employee or family member.

If an employee is experiencing an FML event, the employee cannot refuse the FML entitlement.

**20. Will the university continue my health insurance and other benefits during FML?**

If participating in the UA Choice health care program, the elected health care benefits will be maintained for up to 18 weeks of FML under the same conditions as if the employee continued to work. The university will also continue an employee's basic life insurance and long-term disability insurance while an employee is on FML.

If the employee is in a paid status, the employee's share of benefit premiums will continue to be paid through payroll deductions.

If an employee begins unpaid FML, or is on workers' compensation, the employee must pay the benefit amounts that would normally be deducted from their paychecks in order to continue the benefits during unpaid leave. Failure to pay the appropriate amounts will result in cancellation of health care and supplemental coverages. UA HR will notify the employee of the amounts due.

**21. Can I change my optional benefit elections or add a dependent to health care while I am on FML?**

An employee who experiences a "Major Life Event" (such as a birth, death, divorce, etc.) during FML may elect to make changes to certain optional benefit elections, such as enrolling a new dependent to the health plan.

To make changes to your benefit elections, the employee will need to submit a Life Event Change Form within 30 days of the life event. Please note, employees have up to 60 days after birth or adoptions to add a new child to health insurance as a dependent; however, all other changes must be made within the first 30 days of the life event.

Additional information and the Life Event Change Form are available on the benefits website at [www.alaska.edu/benefits](http://www.alaska.edu/benefits).

**22. What happens to my Flexible Spending Accounts (FSA) while I am on FML?**

Employees that are in a paid FML status who participate in a medical or dependent care FSA will continue to participate and make contributions from their paycheck as usual.

FSA contributions will stop while an employee is in an unpaid FML status. FSA funds may still be used for qualifying expenses during this time. Future FSA deductions will be adjusted when the employee returns to a paid status so they meet their goal.

**23. What happens to my retirement contributions while I am on FML?**

When an employee is on unpaid FML, or receiving workers' compensation, contributions to all retirement and pension plans will cease.

Public Employee Retirement System (PERS) employees on workers compensation and Teachers Retirement System (TRS) employees may be eligible to receive service credit by making the appropriate

contributions. For questions on your PERS/TRS contributions, please contact the State of Alaska Division of Retirement and Benefits (DRB) at (800) 821-2251.

**24. What if I am receiving workers' compensation?**

Employees receiving workers' compensation who are away from their job for a serious health condition are also placed on FML.

Since employees on workers' compensation do not receive a regular payroll check, they must make manual payments for their portion of their benefit(s) that would normally be deducted from their paycheck. Benefits continuation information will be provided from UA HR.

**25. What happens to union dues?**

Union represented employees should contact the appropriate union/agency representative for information regarding the expectation of dues payment during FML.

**26. Can I receive donated leave?**

Eligible employees on approved FML for their own serious health condition, or a serious health condition of a family member, who exhaust all personal paid leave may apply for the Leave Share Program under University Regulation [04.06.130](#).

The Leave Share Program is not available to all employees on approved FML or for all FML events. If you anticipate exhausting your personal paid leave while you are on FML, please contact UA HR at [ua-benefits@alaska.edu](mailto:ua-benefits@alaska.edu) to see if you qualify for the program.

**27. What happens to my benefits if I am unable to return to work at the end of my FML?**

If an employee is unable to return to work at the end of their FML absence, the university will notify the employee of the status of their benefits, including health insurance continuation rights.

If an employee does not return to work for a reason other than (1) the continuation, recurrence or onset of a serious qualifying health condition; (2) other circumstances beyond the employee's control; or (3) retirement, then the employee will be required to reimburse the university for health care coverage paid on the employee's behalf.

**28. What if I need time off to care for a sibling or an adult child?**

Care of a sibling or an adult child (who is not disabled) are not eligible events for FML. Employees may use sick leave for this purpose, subject to supervisor approval.

**29. Am I required to report my status to my supervisor and to UA HR during my leave?**

You should communicate your FML event and scheduled absences with your supervisor. UA HR may require employees to report periodically on their leave status and their return to work date.

**30. Where can I find out more about Family Medical Leave?**

For more information, please visit <https://alaska.edu/benefits/leaves/family-medical-leave/> or <https://www.alaska.edu/bor/policy/04-06.pdf> to review UA Policy and Regulation. You may also reach out to UA HR at (907) 450-8200 or [ua-benefits@alaska.edu](mailto:ua-benefits@alaska.edu).

*This document summarizes University Regulation, state law, and federal law and regulation. It does not modify or replace any provision of law or regulation.*