



## ADMINISTRATIVE PROCEDURES

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### 10.06 Family Medical Leave Act Documentation

Revised: September 5, 2018

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#### 1. GOVERNING REGULATIONS

Family and Medical Leave Act of 1993 (FMLA) procedures are governed by System Policy [31.03](#) Leaves of Absence and System Regulation [31.03.05](#) Family and Medical Leave.

#### 2. PURPOSE

Texas A&M Forest Service (TFS) is committed to compliance with FMLA. To ensure the rights granted under FMLA to all employees are protected and the responsibilities of TFS are fulfilled, this procedure is followed as a supplement to System Regulation 31.03.05.

#### 3. GENERAL

- 3.1 FMLA-qualified employees and periods of absence that qualify for protection under FMLA provisions are as defined in System Regulation 31.03.05. In general, absences related to periods of sick leave in excess of three days should be evaluated for FMLA designation.
- 3.2 TFS has designated Agrilife Human Resources (HR) as the responsible office for compliance with the notification provisions in System Regulation 31.03.05, Section 9. Each department is responsible for contacting HR when an employee's leave might qualify as FMLA leave.
- 3.3 When an employee is absent from work or anticipates being absent from work due to personal illness, the illness of an immediate family member, a qualified military exigency or military caregiver leave, the supervisor must notify HR if the absence will exceed three consecutive business days.
- 3.4 The employee does not need to request that the leave be designated as FMLA leave for it to qualify. However, the employee's supervisor must assist HR with obtaining sufficient information to determine if the leave qualifies for FMLA leave.
- 3.5 Within five business days of learning of the need for leave described in section 3.3, the supervisor contacts HR with the appropriate information to allow HR to send an FMLA packet to the employee regarding eligibility. This packet generally contains the following documents:
  - a. Completed personal memorandum to employee: Notification of FMLA Eligibility
  - b. Notice of Family and Medical Leave Usage and Obligations

- c. [FMLA Medical Certification Form – Employee](#) or the [FMLA Medical Certification Form – Family Member](#).

3.6 The documents in the FMLA packet include information stating:

- a. that the leave will be counted against the employee's annual FMLA entitlement;
- b. medical certification requirements and consequences of the employee's failure to provide the certification;
- c. that paid vacation and sick leave, if applicable, must be used before unpaid leave;
- d. that the state contribution for benefits will continue during paid and unpaid FMLA leave;
- e. that any employee share of benefit premiums will continue to be deducted from pay during paid leave, that the employee will be billed for premiums during unpaid leave and that coverage will be cancelled as of the last day of the last month for which premiums were paid if premiums are not paid within 30 days of the due date;
- f. whether the employee will be required to present a fitness-for-duty certificate before returning to work;
- g. the employee's right to be reinstated in the same or an equivalent job when returning from FMLA leave; and
- h. an outline of the schedule for any periodic reports the supervisor will require during the leave and the process for notifying the supervisor of the expected return date. A new notice must be issued if circumstances require a change from the original notice.

3.7 If leave is paid, it is requested through Workday and the employee must comply with normal leave certification requirements outlined in System Regulation 31.03.02 Sick Leave and System Regulation 31.03.01 Vacation. If leave is without pay, a completed FMLA Medical Certification Form – Employee or FMLA Medical Certification Form – Family Member is required within 15 days of the employee's going into leave without pay status, unless 15 days is not practical. All certifications are confidential medical records and maintained by HR separate from other personnel records.

3.8 Leave which qualifies as FMLA leave runs concurrently with sick leave, vacation and other paid or unpaid leave.

3.9 To accomplish these eligibility and notice requirements HR is the single point of contact for FMLA questions and documentation.

#### 4. RESPONSIBILITIES

##### 4.1 HR will:

- a. upon notification of an employee's FMLA leave, obtain pertinent information regarding the employee's qualifying circumstance, condition or illness relevant to determining eligibility for leave;
- b. provide the notice outlined in section 3.5 to the individual employee by certified mail not later than five working days after notification of a leave situation that qualifies for FMLA;
- c. keep an independent record tracking FMLA leave usage;
- d. ensure that Workday time corresponds with the independent record of FMLA leave usage;
- e. maintain all documents pertaining to the FMLA event in a confidential personnel medical folder, following the System records retention schedule; and
- f. notify the employee when a physician's document sustains the absence as FMLA qualifying or when an absence does not qualify as an FMLA absence, and adjust the leave designation in Workday .

##### 4.2 The supervisor will:

- a. notify HR when an employee is off work for leave events that qualify as FMLA leave, as outlined in section 3.3;
- b. assist HR in obtaining required documentation to verify FMLA information;
- c. contact HR on a regular basis with information on budgeted employees who are in an on-going FMLA situation;
- d. permit an employee to return to work only following consultation with HR;

##### 4.3 The employee will:

- a. keep the supervisor informed of any leave situation that potentially qualifies as FMLA leave;
- b. provide to HR all documentation that is required to justify FMLA periods or qualifications;
- c. report periodically (two week intervals recommended) on status and intention to return to work. The employee is encouraged to keep the supervisor informed about intention to return to work;

- d. comply with the requirements of the System Regulation 31.03.05; and
- e. return to work only when cleared by the doctors and authorized by the supervisor.

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