

FMLA Quick Reference Guide

For Administrative Services Employees

This quick reference guide outlines the BASICS for employees who are in need or have questions about FMLA. This guide is not all inclusive, so if you have further questions please contact Nathan Brock, DAS-HR Services Manager at 402-471-4162 or nathan.brock@nebraska.gov.

The FMLA (Family Medical Leave Act) and its amendments provide up to 12 weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons. The employee may use other paid leaves, such as vacation leave, sick leave, or comp time as part of the 12 weeks if he/she meets the criteria for such leave, has accrued leave or compensatory time, and receives advanced supervisory approval.

An employee is eligible if he/she has worked for at least one year, has been paid for more than 1250 hours of work over the previous 12 months, and has not used more than 12 weeks of FMLA Leave in the previous 12 months.

FMLA Leave must be granted for the following reasons:

- To care for the employee's child after birth, or the adoption or placement of a foster child with the employee;
- 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 his/her job;
- For an exigency caused by the call to active duty of a member of the Armed Forces in a foreign country;
- To care for a spouse, child, parent or next of kin who is a service member and is injured or has become seriously ill while on active duty or within five years of leaving the armed forces if related to an injury or illness suffered while on active duty, or aggravated while on active duty (up to 26 weeks of leave is allowed during a 12 month period).

Employees are required to provide the following:

- At least 30 days advance notice when the leave is "foreseeable." If leave is not foreseeable, the employee must notify their direct supervisor or HR as soon as possible.
- Medical certification to support any request for FMLA Leave.
- A release/return to work form to either HR or direct supervisor prior to returning to work.

During FMLA Leave, the State's contribution toward the employee's health coverage will continue, provided that the employee continues his/her health coverage contribution and intends to return to work for at least 30 days after the FMLA Leave ends.

Upon return from FMLA Leave, the employee will be restored to his/her original or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The FMLA Leave law makes it unlawful for Administrative Services to interfere with, restrain, discriminate, discharge, or otherwise deny an employee his/her rights provided under the FMLA.

