FMLA FAQs

What is FMLA?
Family Medical Leave Act was passed by Congress in 1993 that grants qualified employees with up to 12 weeks of unpaid, job protected leave each year. This leave can be taken for certain family and health related reasons including the birth of a child, the care of an immediate family member suffering from a serious illness, or the employee’s own serious health problem.

I just recently started working for the University of Delaware, when will I qualify for FMLA?
You will qualify for FMLA when you complete one year of employment AND you have worked 1,250 hours within that year.

How do I receive FMLA leave?
If you know of your need to take leave before you are absent from work, you must request FMLA 30 days in advance. Receiving FMLA is conditional upon Employer receiving response on required forms. You will have 18 days to return Certification of Healthcare Provider forms. If you do not comply, your FMLA status will not be approved.

What do I have to do when I return from FMLA leave?
You will need to bring a note from your healthcare provider stating that you are able to return to work. The note must include restrictions, if any.

Why do I need to use FMLA if I have enough sick time to cover my absence?
FMLA runs concurrently with a person’s pay status. If a person goes out for a serious medical condition for themselves, they are technically on FMLA leave (provided a healthcare’s certification validates the leave); their time out is charged to their earned sick time. Designating leave as FMLA, continues a person’s health benefits and when they return to work, returns them to the same position, or one equivalent to it in all respects.

Can I have FMLA and Short Term Disability at the same time?
Yes. FMLA and Short Term Disability may run concurrently.

How long can I be on FMLA?
FMLA allows for 12 weeks of leave within a 12 month period.

When can I use FMLA?
You can take FMLA for: The birth, adoption, or foster placement; or a serious medical condition affecting yourself or a family member.
What is **not** considered a serious health condition?
Some examples of short-term conditions that require only brief treatment and recovery and have been specifically noted as NOT serious enough to qualify for leave are: Common colds, stomach viruses, food poisoning, chest pains, carpal tunnel syndrome and flu.

How does FMLA interact with the following policies:

- **4-37 Family – Dependent:** Concurrent  
  [http://www.udel.edu/ExecVP/polprod/4-37.html](http://www.udel.edu/ExecVP/polprod/4-37.html)

- **4-48 Workers Comp:** Concurrent  

What do I do if I have more than one medical condition or more than one doctor?  
You must have a Certified Medical Form completed by each doctor and/or each medical condition for which you are requesting FMLA.

What is the difference between Full Time FMLA and Intermittent FMLA?  
Full Time FMLA is taken as consecutive days, whereas, Intermittent FMLA is taken as a day at a time or hour(s) at a time.

Why must I provide a note from my healthcare provider stating that I may return to work?  
You will need to bring in a note from your healthcare provider no later than the day of returning to work from FMLA leave in order to verify that you are able to perform the essential duties of your job description.