

# FMLA Essentials: An Overview of FMLA and the Process

Benefits Services

New Mexico State University

Human Resources Department



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**New Mexico State University**

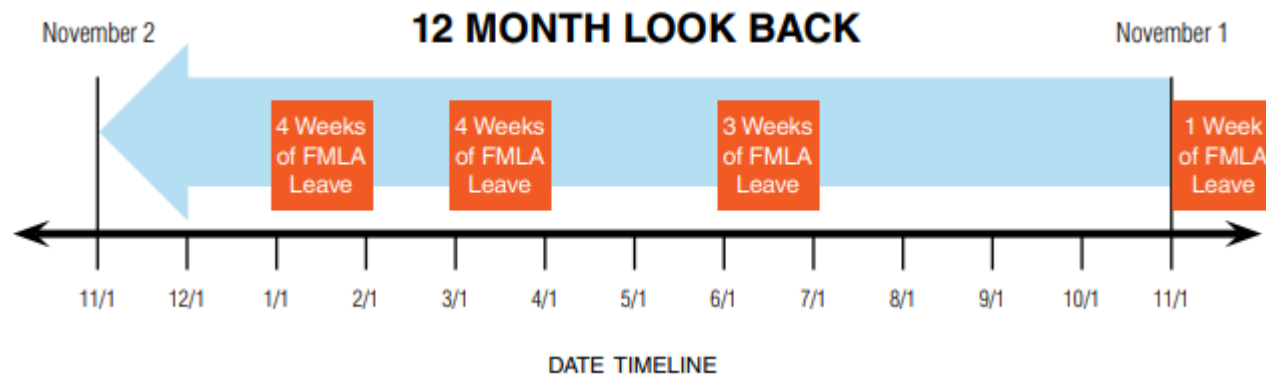
# What is the Family and Medical Leave Act (FMLA)?

Federal Protection	Eligibility Requirements	Regulatory Oversight
<p>A federal Law that provides up to 12 work of unpaid job protected leave in a 12- month period to eligible employees.</p> <p>FMLA protects employees from negative employment actions while on FMLA status and enables them to maintain existing medical benefit programs.</p>	<p>Available to ALL employees who meet the following criteria:</p> <ul style="list-style-type: none"><li>• Work at a location with 50+ employees within a 75-mile radius</li><li>• Have worked for the University for at least 12 months within the last 7 years (not necessarily consecutive)</li><li>• Have worked at least 1,250 hours during the 12 months immediately before the requested leave</li></ul>	<p>FMLA is enforced and regulated by the Department of Labor</p>



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# Understanding the FMLA 12-Month Period Calculation



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# When Does FMLA Apply?



## ***Employee's Serious Health Condition***

Serious health condition of the employee that prevents them from performing essential job functions, including conditions requiring inpatient care or ongoing treatment.



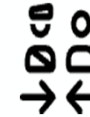
## ***Family Care***

Care for a child, parent, legal spouse, or qualified domestic partner (under NMSU policy) with a serious health condition requiring the employee's assistance or support.



## ***New Additions***

Birth of a child or placement of an adopted or foster child, with leave taken within 12 months of birth or placement. Also covers incapacity due to pregnancy and prenatal medical care.



## ***Military Provisions***

Qualifying exigencies arising from a family member's active duty service.

Care for a service member with a serious health condition incurred during active duty (up to 26 work weeks in a 12-month period).



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# What Is A Serious Health Condition

<b>Inpatient Treatment</b>	Overnight stay in the hospital, hospice, or residential medical care facility
<b>Incapacity for more than 3 days and continuing treatment</b>	Incapacity for more than 3 days and either: <ul style="list-style-type: none"><li>• At least two visits to a healthcare provider within 30 days, or</li><li>• One visit to a health care provider and an ongoing regimen of treatment</li></ul>
<b>Pregnancy/Prenatal Care</b>	Incapacity due to pregnancy or prenatal care
<b>Chronic Serious Health Conditions</b>	Condition that: <ul style="list-style-type: none"><li>• Requires periodic visits for treatment (at least 2 per yr)</li><li>• Continues over an extended period of time, and</li><li>• May cause episodic, rather than continuing, incapacity</li></ul>
<b>Permanent/Long Term Incapacity</b>	Permanent or long-term incapacity, under the supervision of a healthcare provider
<b>Multiple Treatments</b>	Treatments for: <ul style="list-style-type: none"><li>• Restorative surgery after an accident or injury, or</li><li>• A condition that would require an absence of more than three days if not treated</li></ul>



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# Triggering Scenarios for Potential FMLA Leave

## Family Health Issues

An employee mentions their parent is having health issues and they be taking time to visit and accompany them to medical appointment.

## Stress and Mental Health

An employee mentions work-related stress and their doctor's recommends to take time off. Mental Health conditions qualify as a serious health condition under FMLA.

## Care for Injured Spouse

An employee shares that their spouse broke a leg and needs transportation to physical therapy sessions. Providing care for a spouse's serious health condition is FMLA-eligible.

## Pregnancy, Birth, Foster Care

An employee indicates they are pregnant or expecting and will need leave when the baby is born, or they may request time off for prenatal appointments. Alternatively, they may mention they are adopting a child and require time to prepare.

## Chronic Conditions

An employee discusses their child's chronic asthma requiring frequent doctor or urgent care visits. Caring for a family member with a chronic condition may qualify for intermittent FMLA leave.



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# How to Request FMLA or Report a Potential Need

1

## **Identify Potential Need**

Employees or supervisors recognize situation that might qualify for FMLA protection. Remember that employees don't need to specifically mention "FMLA" – any indication of a qualifying condition can trigger the process.

2

## **Submit A Ticket**

Both supervisors and employees can report a potential FMLA event or submit a request through [help.nmsu.edu](https://help.nmsu.edu). Include all relevant details available at the time of submission.

3

## **Follow Timing Guidelines**

For foreseeable events like planned surgeries or pregnancies, employees are required to submit requests at least 30 days in advance. For unforeseeable events, notification should occur as soon as possible, ideally by the next workday.

4

## **Supervisor Notification**

Supervisors are required to notify Benefits Services as soon as they become aware of a potential need for FMLA, regardless of whether the employee has explicitly requested it.



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# The FMLA Process



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# Overview of the FMLA Process

## **Initial Awareness**

The process begins when either an employee requests FMLA or a supervisor becomes aware of a potential qualifying condition. At this stage, communication is key to starting the process properly.

## **Eligibility Determination**

Benefits Services reviews the employee's work history to confirm eligibility based on employment duration and hours worked. This happens within 5 business days of notification.

## **Medical Certification**

The employee must submit medical documentation confirming the serious health condition. Benefits Services reviews this documentation to make a final determination.

## **FMLA Designation**

If approved, FMLA leave is formally designated, and all parties are notified of rights, responsibilities, and process details for the duration of leave.

## **Leave Administration**

During the leave period, all parties must follow established procedures for time tracking, communication, and documentation to ensure proper administration.



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# Initial Notification and Responsibilities

1

## Employee Notification

Employees must provide appropriate notice to supervisors and/or Benefit Services. For foreseeable leave, at least 30 days advance notice is required. For unforeseeable leave, notification must be given as soon as possible, following usual call-in procedures.

2

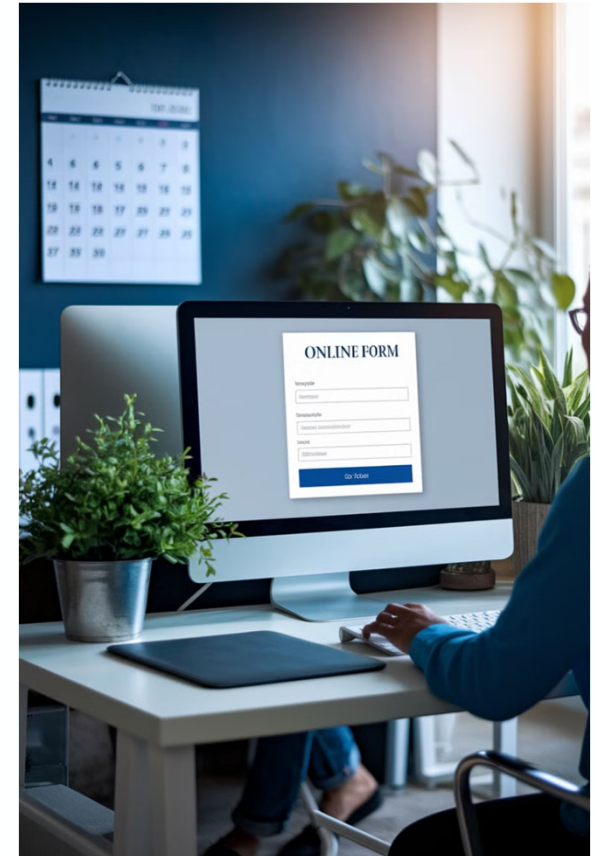
## Supervisor/Department Action

Supervisors must notify Benefit Services immediately when aware of possible FMLA needs by submitting a ticket to [help.nmsu.edu](https://help.nmsu.edu) with the employee's name and Aggie ID. With sufficient information, they can submit an FMLA request on the employee's behalf.

3

## Benefit Services Response

NMSU has 5 business days to provide employees with their rights and responsibilities after being made aware of a possible FMLA need. Benefit Services will review eligibility within this timeframe.



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# Eligibility Determination and Documentation

1

## Eligibility Review

NMSU has 5 business days to review eligibility once a request is received. FMLA requests can come from employees, supervisors, HR, Worker's Comp, or family members.

2

## Documentation Requirements

If eligible, employees receive a medical health certification form for serious medical conditions. For childbirth/bonding, no medical certification is required, the leave is automatically designated as block leave.

3

## Submission Timeline

Employees have 15 calendar days to provide medical documentation. Failure to provide sufficient documentation may result in cancellation of the FMLA request, leaving any taken time unprotected.



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# Medical Documentation Handling

## Proper Routing

All medical documentation should be forwarded directly to Benefit Services, not through supervisors or departments. This includes doctor excuses, return to work letters, and FMLA certifications.

## Confidentiality

Benefit Services maintains all medical documents. No copies should be kept in departments. Supervisors should not request medical documentation be routed through them.

## Information Sharing

Benefit Services will provide supervisors and departments with essential information only, protecting employee medical privacy while ensuring proper leave administration.



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# Leave Designation and Management

## Designation Notice

Once medical certification is received, Benefit Services has 5 business days to provide a designation notice informing if leave protection is approved or denied. If approved, it counts against FMLA entitlement.

## Department Notification

If FMLA is designated, Benefit Services notifies the department of approval details including effective date, estimated duration, type of FMLA, and responsibilities.

## PAF Submission

Supervisors/Departments must submit a Personnel Action Form (PAF) placing the employee on FMLA leave with or without pay as applicable. PAFs should not be submitted until leave actually begins. For 9-month faculty, supervisors notify Benefit Services when employee has gone out or returned from leave. Benefits will submit PAFs.

## Leave Tracking

Departments track employee leave and balances. NMSU requires all employees approved for FMLA to use available sick leave before annual leave. Benefit Services tracks FMLA hours used and available.



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# Intermittent Leave Management

## Employee Responsibilities

- Must notify supervisor when leave is due to FMLA event
- Continue submitting regular timesheet/leave reports
- Submit monthly reports by the 10<sup>th</sup>
  - Report only FMLA hours used
  - Submit report through [help.nmsu.edu](http://help.nmsu.edu)
- Include supervisor when submitting tickets

## Supervisor/Department Duties

- Track employee leave and FMLA Usage
- Verify Hours on intermittent leave reports
- Ensure timely report submission
- Submit PAFs when necessary

## Benefit Services Responsibilities

- Deduct reported usage of FMLA from available balance
- Notify employees and their supervisor of remaining FMLA balance
- Send expiration reminders



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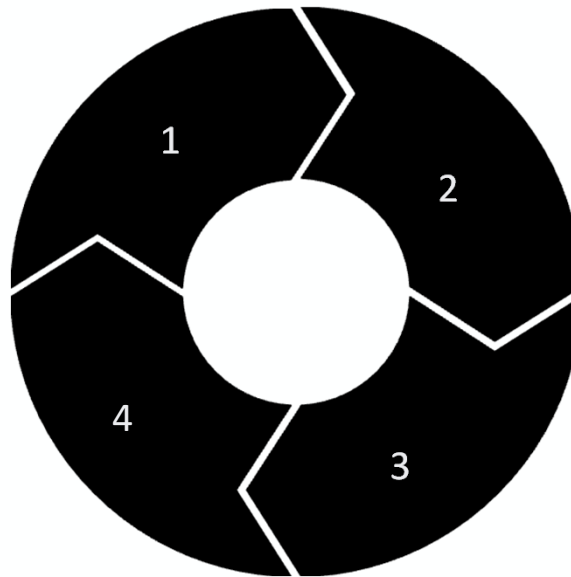
# Return to Work Process

## Expiration Notification

Benefit Services notifies both employee and department when the anticipated return date is approaching or FMLA leave is being exhausted, approximately one week before

## Accommodation Review

If the healthcare provider's release includes restrictions, supervisors must review if these can be accommodated based on job duties. The Office of Institutional Equity can be contacted for reasonable accommodations.



## Employee Responsibilities

Employees must notify supervisors and Benefit Services of return status and provide a release from their healthcare provider prior to their first day back (if leave was for their own condition).

## Department Actions

Supervisors submit PAFs upon the employee's return and confirm receipt of the return-to-work release. For 9-month faculty, Benefits Services submits PAFs, but supervisors must notify Benefits when the employee goes on and returns from leave.



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# Special Considerations and Extensions

## 1 Non-FMLA Leave Requests

If employees cannot return when FMLA is exhausted, they must provide a written request for Non-FMLA leave to their department and documentation from their healthcare provider to Benefit Services. Approval is at the department's discretion.

## 2 Faculty Care Leave

NMSU allows 9-month faculty to use faculty care leave beyond the 12 work weeks allowed under FMLA if the leave is due to the employee's serious health condition. The employee must have faculty care leave available and medical documentation is required.

## 3 Additional Considerations

There may be additional requirements imposed by state-specific leave laws, state sick leave laws, Workers' Compensation, and the Americans with Disabilities Act (ADA) that could affect FMLA administration.



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# Helpful Resources

- [Supervisor's Guide to FMLA](#)
- [FMLA Leave Tracking Form](#)
- [Employee's Guide to FMLA](#)
- [Department of Labor Website](#)
- [Administrative Rules and Procedures](#)
  - ARP 8.45- LOA- Family and Medical
  - ARP 8.42- LOA- Faculty Care Leave
  - ARP 8.55- Leave Without Pay



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# For Additional Information

*Contact Benefit Services Department*

*575-646-8000*

Submit a ticket to [help.nmsu.edu](https://help.nmsu.edu)

*VISIT OUR FMLA WEBPAGE:*

[HTTPS://BENEFITS.NMSU.EDU/LEAVE/FMLA/INDEX.HTML](https://benefits.nmsu.edu/leave/fmla/index.html)



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# Questions?



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