

**LSU Health Sciences Center-New
Orleans
Family Medical Leave Act Notice**

Eligibility and Leave

- The Family and Medical Leave Act (FMLA) requires that eligible employees be granted up to 12 weeks per year of unpaid, job protected leave for certain family and medical reasons. The State of Louisiana uses the “rolling year” method to determine the year.
- ***Eligibility***
 - Employees who have worked at least one (1) year and have worked at least 1,250 hours during the preceding 12 month period are eligible for FMLA. Employees will be returned to the same or equivalent positions upon return from FMLA.
- ***Leave***
 - FMLA leave will consist of, and run concurrently with, appropriate accrued paid leave and unpaid leave. If leave is requested for an employee’s own serious health condition, the employee must first use all of his/her accrued paid sick and annual leave. If leave is requested for reasons other than one’s own health condition, the employee must first use all of his/her accrued annual leave. The remainder of the leave period will consist of unpaid leave. All leave, whether paid annual, paid sick, or unpaid, will also be recorded as FMLA.

Notice and Medical Certification

- In all cases, an employee requesting FMLA must complete an “Application for Leave” form indicating that the intended leave is FMLA. Additionally, the employee is required to submit a completed “Certification of Physician or Practitioner” form.
- An employee intending to take FMLA because of an expected or planned event, must submit an application for leave 30 days in advance of the leave, or as soon as the necessity for the leave arises.
- When it is impossible, due to medical necessity, to provide advance notice, the leave will be granted conditionally based upon the information provided by the employee. Final approval or denial will be given upon receipt of the “Certification of Physician or Practitioner” form.
- The law requires that the employer record leave as FMLA (even when the employee has not requested FMLA) when the employer has information that the absence is due to a qualifying event under FMLA.
- Any additional information on the FMLA policy can be obtained from the Labor Relations Section of Human Resources, (504) 568-3916. The Family Medical Leave Act may be accessed through the LSUHSC-NO website (LSUHSC Policies-CM-50).
<http://www.lsuhs.edu/no/administration/cm/cm-50.aspx>

Changes to the Family and Medical Leave Act extends to close relatives of Service Members

- On January 28, 2008, President Bush signed into public law, the National Defense Authorization Act (NDAA). The NDAA amends the Family and Medical Leave Act of 1993 (FMLA) to provide eligible employees two new leave rights related to military service:
 1. ***New Leave Entitlement*** which permits an eligible employee who is the “spouse, son, daughter, parent, or next of kin” to take up to 26 workweeks of leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

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- 2. *New Qualifying Reason for Leave*** which permits an eligible employee to take 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation. By its express terms, this provision of the NDAA is not effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.” The Department of Labor has not issued the final regulation. For additional information on the FMLA changes contact the Labor Relation section of Human Resources at (504) 568-3916.