
THE GEORGE WASHINGTON UNIVERSITY

WASHINGTON, DC

FMLA FREQUENTLY ASKED QUESTIONS (FAQ)

Q: What is FMLA leave?

A: The Family and Medical Leave Act was created to help balance the needs of employers and employees in circumstances when employees must take leave for serious medical conditions, including pregnancy, or to care for family members. The university complies with both the federal FMLA and the District of Columbia FMLA, where applicable.

Q: Am I eligible for FMLA leave?

A: You must have been employed at the university for a period totaling 12 months and have been paid for at least 1,000 hours during the 12 month period immediately preceding the beginning of the requested leave under D.C. FMLA and employed at the university for a period totaling 12 months and worked at least 1,250 hours during the 12 month period immediately preceding the beginning of the requested leave under the federal FMLA.

Q. How much FMLA can I take?

A. Eligible employees are entitled to family and medical leave of up to 16 workweeks of unpaid family leave and 16 workweeks of unpaid medical leave in a 24 month period under the D.C. FMLA or up to a total of 12 workweeks of unpaid family and medical leave in a 12 month period under the federal FMLA for:

- **the serious health condition of an employee that prevents the employee from performing the essential functions of the job;*
- **the birth, adoption or placement of a child for foster care;*
- **the care of a family member who has a serious health condition*

There are also military family leave entitlements under the federal FMLA.

Q: What does FMLA do for me?

A: Your job is protected while you are absent from work for an approved FMLA absence. However, the FMLA does not protect you from disciplinary action for performance or conduct not related to FMLA absences.

Q: Is FMLA paid?

A: No, FMLA is unpaid but you may elect to use applicable paid time off (annual, sick or other paid time off) to remain in paid status during your FMLA leave.

Q: How do I request FMLA leave?

A: Call The Standard, GW's leave administrator, at 1-855-554-2918 or go to www.standard.com. Medical certification or other appropriate documentation may also be required to determine if your leave request is FMLA qualifying.

Q: Who determines if my leave can be considered FMLA leave?

A: The Standard will work with you to determine if your leave is FMLA qualifying. Medical certification or other appropriate documentation may be required.

Q: Do I have to take FMLA leave all at once?

A: Under some circumstances, you may take FMLA leave:

- intermittently – taking leave in separate blocks of time for a single qualifying reason; or
- on a reduced work schedule – reducing the your usual weekly or daily work schedule.

When leave is needed for planned medical treatment, you must make a reasonable effort to schedule treatment so as not to unduly disrupt the university's operations.

Q. My department has already approved my leave of absence. Do I need to submit FMLA documents?

A. Your department is not permitted under university policy to approve a leave that is qualifying for FMLA. All FMLA leave is administered through The Standard. Your department can authorize the use of sick time for non-FMLA absences.

Q. I have enough annual and sick time to cover my leave. Do I need to apply for FMLA?

A. Yes, once the university is aware that you may have a qualifying absence under the FMLA; the university has legal obligations to notify you of your eligibility, rights and responsibilities under the FMLA. If the reason for your absence meets FMLA qualification requirements and you complete the FMLA application process, your leave will be FMLA protected. Annual and sick time cannot be used in lieu of FMLA.

Q: Do I have to use all my paid time off (annual, sick or other paid time off) before I go on FMLA leave?

A: No, but if you elect to use your paid time off (annual, sick or other paid time off) to maintain your paid status while on FMLA leave, your paid time off and your FMLA leave will run concurrently.

Q: Do I still accrue paid time off (annual, sick or other paid time off)?

A: An employee on unpaid leave of absence will not accrue paid time off (annual, sick or other paid time off) for any full calendar month of unpaid leave. Employees who maintain their pay status by electing to use their paid time off (annual, sick or other paid time off) for some portion of a calendar month will receive pro-rated annual and pro-rated sick for that month.

Q. I was out for a week with a cold or flu, but have returned to work. Do I need to apply for FMLA?

A. While ordinarily, the flu is not considered a serious health condition under the FMLA, if the employee's flu incapacitates the employee for more than three consecutive calendar days and involves treatment two or more times by a health care provider, then the employee's absences due to this illness may be covered under the FMLA.

Q. I received an FMLA notice from The Standard, but I did not apply for FMLA. Why did I receive FMLA information?

A. Once an employer is aware that an employee may need FMLA leave; the employer has certain obligations under the FMLA regulations which include notifying employees of their eligibility, rights and responsibilities under the FMLA. Employees do not have to request FMLA. If you are eligible, the reason for your absence meets FMLA qualification requirements and you complete the FMLA application process, the time you are away from work will be designated as FMLA leave.

Q. What happens if I exhaust my FMLA but am unable to return to work?

A. If you exhaust your FMLA entitlement, you may be able to request an extension of your leave by requesting an accommodation under the ADA through the Office of Equal Employment Opportunity if the leave is for your own serious health condition. If you need further leave for a reason not due to your own health, you can request a personal leave through your department.

Q. Can I continue my employee benefits while on FMLA?

A. The university will continue to make the employer contributions to group health benefits premiums during periods of FMLA, but you are responsible for your portion of benefits premiums.

- If during your FMLA leave, you maintain paid status through the use of paid time off (annual, sick, or other paid time off), your portion of benefits premiums will be deducted from your paycheck as normal.
- If your unpaid leave is 30 days or less, your portion of benefits premiums will go into arrears and then deducted from your paycheck upon your return to work.
- If your unpaid leave will exceed 30 days, you will be responsible to remit payment to the university for your portion of benefits premiums. Failure to make payments for your portion of benefits premiums may result in cancellation.

If you wish to cancel your benefits during an unpaid leave of absence, please visit the [EasyEnroll system](#) within 30 calendar days after the start of your unpaid leave and update your benefits elections that you wish to cancel. Upon your return to active employment, you may re-enroll or make a change (consistent with a qualified life event) to your benefits within 30 calendar days of your return at go.gwu.edu/easyenroll.

Please note that your benefits will not be automatically reinstated upon your return from leave. You must re-enroll to continue coverage. If you do not enroll within 30 calendar days from your return from leave, your next opportunity to enroll will be within 30 calendar days of a qualifying life event or during the next Open Enrollment period.

Q. What certification do I need to provide in order to have my FMLA leave approved?

A. Employees must provide sufficient information to determine 1) if the leave qualifies for FMLA protection and 2) the anticipated duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

Q. If I decide not to return to work from FMLA, will I owe the university any paid time off or benefit premiums?

A. If an employee does not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle the employee to FMLA leave or 3) other circumstances beyond the employee's control, the employee may be required to reimburse the university for the employer share of benefits premiums paid on the employee's behalf during the employee's FMLA leave.

If an employee has used more paid time off than the employee accrued at the time of termination, the excess annual time will be subtracted from the employee's final paycheck.

Q. My doctor has already given me a medical note stating I am unable to work. Do I need to submit the FMLA Certification of Healthcare Provider form as well?

A. If the doctor's note provides sufficient information to determine 1) if the leave qualifies for FMLA protection and 2) the anticipated duration of the leave, then that documentation can be used to designate FMLA leave for that absence. If the note does not provide sufficient information to determine if the leave qualifies under FMLA, then the Certification of Healthcare Provider form will be required to approve FMLA.

Q. Do I get my same job back when I return from FMLA leave?

A. Upon return from FMLA leave, you must be restored to your original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In addition, your use of FMLA leave cannot result in the loss of any employment benefit that you earned or were entitled to before using (but not necessarily during) FMLA leave.