Frequently Asked Questions (FAQ)

Q: What is FMLA leave?
A: Both the federal Family and Medical Leave Act (FMLA) and the District of Columbia Family and Medical Leave Act (DC FMLA) provide unpaid job-protected leave to eligible employees so that they can care for their families or themselves for certain family and medical events.

Q: Am I eligible for FMLA leave?
A: The federal FMLA requires 12 months of service and at least 1,250 hours worked during the 12-month period immediately preceding the beginning of the requested leave. The DC FMLA requires 12 months of service and at least 1,200 hours worked during the 12-month period immediately preceding the beginning of the requested leave.

Q: How much FMLA can I take?
A: The federal FMLA provides up to 12 weeks of combined unpaid family and medical leave in a 12-month period. The DC FMLA provides up to 16 weeks of unpaid family leave and 16 weeks of unpaid medical leave in a 24-month period. Qualifying reasons include:
- 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; and
- leave for qualifying exigencies due to a call to active military duty or for military caregiver leave (federal only).

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: 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 Lincoln Financial, GW’s leave administrator, at 1-800-213-5609 or apply online at www.mylincolnportal.com. Medical certification or other appropriate documentation may also be required to determine if your leave request is FMLA qualifying.

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 your usual weekly or daily work schedule.

Q: I have enough annual and sick time to cover my leave. Do I need to apply for FMLA?
A: 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 should not be used in lieu of FMLA, if the absence is FMLA qualifying.

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: You can use paid time off during FMLA or take your leave unpaid. If you elect to use your paid time off to maintain your paid status while on FMLA leave, paid time off and FMLA leave will run concurrently.

Q: Do I still accrue paid time off during FMLA?
A: An employee on unpaid leave of absence will not accrue annual and sick time for any full calendar month of unpaid leave. Employees who maintain their pay status by electing to use their paid time off for some portion of a calendar month will receive pro-rated annual and 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. Ordinarily, a cold or the flu is not considered a serious health condition under the FMLA. However, if the employee’s illness incapacitates the employee for more than three consecutive calendar days and involves treatment two or more times by a health care provider, the absence may be covered under the FMLA.

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. Most benefits can be continued during FMLA. 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. Detailed benefits continuation information can be found on the GW Benefits website at https://benefits.gwu.edu/benefits-continuation-during-fmla-leave.

Q. What do I need to provide in order to have my FMLA leave request approved?
A. Lincoln Financial will send the required forms once an employee applies for FMLA. 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. 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. If you were out on FMLA leave for your own serious health condition, you will be required to present an authorization to return to work prior to reinstatement. If such authorization is not received in a timely fashion, your return to work may be delayed until authorization is provided.