**FMLA PROCESS**

**STEP ONE**
Determine Eligibility

Have **12 months of service** with Duke University, and **1,250 hours in the preceding 12-month period** (see below) **

**Reasons:**
- Birth (maternity or paternity), adoption or placement of a foster child
- Serious health condition of staff member/inpatient care
- Serious health condition of child, parent or spouse/same sex spousal equivalent for whom staff member is primary care giver
- Qualifying exigency for spouse, son/daughter, parent of a staff member who is on or called to active duty in support of contingency operation
- Staff member is the spouse, son/daughter, parent, next of kin of a covered service

**STEP ONE – CONT.**
Determine Eligibility

If staff member is eligible:
- Provide staff member with Notice of Eligibility and Rights and Responsibilities within 5 business days**

If staff member is not eligible or reason does not apply under FMLA:
- Discuss other options, which may include:
  - Temporary or alternative work arrangements
  - Change in hours or shift
  - Personal Leave
  - Short term disability info

**STEP TWO**
Determine How FMLA will be taken

Up to 12 weeks of FMLA in a 12-month rolling period or 26 weeks of FMLA Military Leave in a single 12-month period (injured or ill service member only, all others 12 month rolling period)

Leave Options:
- Full-time leave for a consecutive period or
- **Intermittently on a reduced leave schedule**

The way in which FMLA is taken will depend on:
- Medical guidance provided by the staff member’s health care provider and if necessary, confirmed with Employee Occupational Health & Wellness

**Note:** Duke University Policy does not allow intermittent leave for Adoption and Paternity leave. Allow Staff Member 15 days from date of Notice of Eligibility and Rights and Responsibilities to submit certification. All service less than 7 years should be considered in order to determine eligibility.
**STEP THREE**

**Type of Paid Time Staff Member Will Use**

Staff member must inform supervisor how this time will be used

Staff member determines what type of paid time off to use during leave (accrued time must be used before unpaid time can be taken).

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**STEP FOUR**

**Completing FMLA Request Form**

Obtain these forms from Internet ([http://www.hr.duke.edu/forms/index.html](http://www.hr.duke.edu/forms/index.html)) or from departmental representative:
- Request for Leave form
- Payroll Leave form
- Certification of Health Care Provider for serious health condition(s) or military leave(s)
- Notice of Eligibility and Rights and Responsibilities
- Designation Notice

Staff member must complete the Request for Leave of Absence form and the Manager must complete the Notice of Eligibility and Rights & Responsibility within 5 days of receiving the Request for Leave.

Once completed the certification and request is received by the manager, the department provides the Designation Notice to the employee within 5 business days.

Department sends payroll leave of absence form to Corporate Payroll for processing.

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**STEP FOUR—CONT.**

**Completing FMLA Request Form**

Department keeps all forms and FMLA related information in a secure confidential location outside of personnel file for 3 years and tracks FMLA time used.

If the employee’s leave dates or schedule changes ie: continuous to intermittent FMLA, the department provides the employee with a new Notice of Eligibility and Rights & Responsibility listing the revised designation.

Re-certification can be requested every six months unless circumstances of the leave schedule change ie: movement from intermittent to continuous FMLA leave.

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**STEP FIVE**

**Returning from FMLA**

Staff member should notify supervisor of:
1) intended return date (staff member may need to provide physician certification to return to work listing any restrictions),
2) need for more time or
3) resignation

If FMLA has expired, department sends Notice of Eligibility and Rights & Responsibility to employee with personal leave of absence forms and policy.

The department completes a Payroll Leave of Absence form if the staff member is returning to work or is requesting personal leave of absence. If the staff member is not returning to work they must give a voluntary resignation notice or they may be deemed not recommended for rehire.