University of Pennsylvania

Faculty and Staff:
Applying for Family & Medical Leave &
Short-Term Disability

Penn Human Resources
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FMLA: Overview

What is FMLA?
The Family and Medical Leave Act (FMLA) is a federal regulation that entitles eligible faculty/staff members (employees) to up to 12 weeks of job-protected leave and benefits continuation for certain qualifying events including:

- Your own serious health condition
- Your family member’s serious health condition (your spouse/same-sex domestic partner, parent, or child under the age of 18)
- The birth or care of your newborn child
- The adoption or foster care of your child
- Qualifying military exigencies
- Military caregiver leave (up to 26 weeks)

Types of FMLA Leave
There are two types of FMLA leave:

- Continuous: leave is for a consecutive number of days
- Intermittent: leave is taken in separate blocks of time or you work a reduced schedule

Who is Eligible for FMLA?
In order to be eligible for FMLA leave, you must:

- Be employed at Penn for at least 12 months
- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of your leave

How Does FMLA Work?
If you’re taking FMLA leave for your own serious health condition or pregnancy:

When you expect to be unable to work due to serious illness, injury, or pregnancy, you must submit an application for FMLA that will require information from your physician.

If FMLA is approved, you will be required to use your own accumulated paid time off first. Time is used in the following order until you are approved to return to work:

- Sick leave
- Paid Time Off (PTO)
- Short-term disability (STD) if applicable

Once you’ve exhausted your accumulated paid leave, any additional time covered by FMLA—up to the 12-week maximum allowed—is unpaid.

If you’re taking FMLA leave for pregnancy, you’re typically eligible for up to eight weeks of paid leave in the case of a normal delivery and up to 10 weeks of paid leave for a Caesarean section. The leave is paid only if you have the accumulated paid time off available.

If you’re taking FMLA leave for reasons other than your own serious health condition or pregnancy:

In these cases (such as caring for a family member with a serious health condition), you’ll use three days of sick leave and then your accumulated PTO. STD may not be used.
Payroll Deductions
While you are on paid leave, these deductions continue:

- Medical
- Dental
- Life insurance
- Retirement contributions
- Other deductions you may have (e.g., parking, fitness, credit union, etc.)

Should any portion of your leave be unpaid:

- Insurance premiums and other deductions will build up in suspense and will be taken from your paycheck when you return to work.
- Retirement plan contributions will cease during unpaid leave.

FMLA: Employee Checklist

Applying for FMLA Leave

☐ Notify your supervisor or business administrator (BA) of your request for FMLA.

☐ You should receive a provisional letter and the application form(s) from your supervisor or BA within five days of your request.

☐ Complete the STD/FMLA Request Form (Sections A-C). It must include your time balances if you’re monthly paid, your signature, and your supervisor or BA’s signature (Section D).

☐ Send the STD/FMLA Request Form via mail, fax, or email to the FMLA Administrator at least 30 days prior to your proposed leave date (or, in the event of unforeseen leave, as soon as you can) to:

  FMLA Administrator
  3401 Walnut St., Suite 527A
  Philadelphia, PA 19104-6228
  Fax: 215-573-7385
  E-mail: fmla@hr.upenn.edu

If you’re taking FMLA leave for your own serious health condition or pregnancy:

☐ Have your health care provider complete the Certification of Health Care Provider for Employee’s Serious Health Condition Form (you complete Sections I and II; your health care provider completes Section III). If you’re taking leave for care of a newborn not associated with a pregnancy (father of the child or same-sex domestic partner) or are adopting or fostering a child, you need to submit the child’s birth certificate in lieu of a certification form.

☐ Print your name on the form. Be sure your health care provider fills out the entire form. Any missing information may cause a delay in the processing of your leave request.

When can I use short-term disability (STD) leave?

STD leave may only be used when you have a continuous, incapacitating health condition or pregnancy that has been certified by a physician and approved by the FMLA Administrator. STD leave cannot be used intermittently or to care for a family member.

Accumulated STD days may be used if you’ve been out for a serious medical condition that has you unable to work for 10 or more consecutive work days and all of your sick leave and PTO has been exhausted.

While on STD, you are not eligible for paid holidays; additional sick and PTO days don’t accrue.

The maximum amount of time you can be out on leave is six months or 132 consecutive work days. The time is counted from your last day worked. If you have a disability which is expected to exceed six months, you are eligible to apply for long-term disability.
Your health care provider must send (via mail, fax, or email) the completed form to the FMLA Administrator within 20 days of your request.

If you're taking FMLA leave to care for a family member with a serious health condition:

- Have your family member’s health care provider complete the Certification of Health Care Provider for Family Member’s Serious Health Condition Form (you complete Sections I and II; the health care provider completes Section III). Describe the type of care you'll provide your family member. **Be sure the health care provider fills out the entire form.** Any missing information may cause a delay in the processing of your leave request.
- The health care provider must send (via mail, fax, or email) the completed form to the FMLA Administrator within 20 days of your request.

If you're taking FMLA leave for a Qualifying Exigency or Military Caregiver Leave:

- Complete Section II of the Certification of Qualifying Exigency for Military Family Leave Form or Section I of the Certification for Serious Injury or Illness of a Current Servicemember or Section I of the Certification for Serious Injury or Illness of a Veteran or Military Caregiver Leave. A Department of Defense or Veteran’s Administration health care provider must complete Section II of the Certification for Serious Injury or Illness of a Current Servicemember or the Certification for Serious Injury or Illness of a Veteran or Military Caregiver Leave form.
- Send the completed form to the FMLA Administrator (via mail, fax, or email) within 20 days of your proposed leave date.

Getting Approval

- The FMLA Administrator will send a letter to your home address (and an email to your supervisor or BA) indicating whether your leave is approved, denied, or incomplete.
- Contact the FMLA Administrator by email at fmla@hr.upenn.edu or by phone at 215-898-1333 or 215-898-0914 if:
  - Your leave request is approved, but the dates are different than what you expected.
  - Your leave request is denied and you are unsure why.
  - Your leave request is incomplete and you are unsure what is missing. You have an additional 20 days to submit the missing documentation.

Employees approved for short-term disability are prohibited from working at the workplace or at any other location, including the employee’s home, either for the University or otherwise. (Policy 404.4)

You can find Short-Term Disability and FMLA forms on the Human Resources website at www.hr.upenn.edu/myhr/resources/forms/benefits.
While on Leave
Provide the following documentation to the FMLA Administrator (via mail, fax, or email):

- **Pregnancy:** A note from your health care provider with the date and method of delivery. Your leave dates will be adjusted based on the actual delivery date.
- **Care of newborn** (father of the child or same-sex domestic partner): A copy of your child’s birth certificate.
- **Adoption or foster care:** Court documentation.
- **Intermittent leave:** Complete the Intermittent Leave Tracking Form (which lists the dates/hours you take leave) and submit updates on a monthly basis (if applicable).

Returning to Work

- If you were out for your own serious health condition or pregnancy, your health care provider must submit a return-to-work note (via mail, email, or fax) to the FMLA Administrator and your supervisor or BA. The note must include:
  - The date you’re eligible to return to work
  - The health care provider’s signature
  - Any medical restrictions
- If your return-to-work note contains restrictions that last more than one week, a copy of the note must be sent to Patrice Miller at the Office of Affirmative Action.
  
  Patrice Miller, Office of Affirmative Action and Equal Opportunity Programs
  3600 Chestnut St., Sansom Place East, Suite 228
  Philadelphia, PA 19104-6106
  215-898-1744 (phone)
  215-746-7088 (fax)
  pdmiller@upenn.edu

If You Don’t Expect to Return to Work on Time

- Notify your supervisor or BA and the FMLA Administrator (via mail, email, or fax) immediately.
- To extend your leave, request one of the following from the health care provider:
  - A new, completed Certification of Health Care Provider Form
  - An amendment of the original certification form
  - A signed doctor’s note on letterhead requesting an extension of the leave
- If your serious medical condition becomes long-term in nature, consider contacting Melissa A. Smith, Human Resources Benefits Specialist at smithma@upenn.edu or 215-898-1326; or Geri Zima, Manager, Benefits Administration at zima@exchange.upenn.edu or 215-898-1331. They can discuss the application process for Long-Term Disability should that become necessary.
- If you have exhausted your sick time, PTO, and Short-Term Disability while on leave, and are unable to return to work, we suggest you contact Patrice Miller at the Office of Affirmative Action to discuss a possible leave as an accommodation under the Americans with Disabilities Act.
Pay Examples During FMLA

Birth of Your Child

Jane Smith is expecting a baby and her due date and the delivery date is January 7. FMLA will be approved for 12 weeks (January 7 - March 31). For a normal delivery, Jane is eligible for up to 8 weeks of paid leave (January 7 – March 3); for a Caesarean Section, Jane is eligible for up to 10 weeks of paid leave (January 7 – March 17). This period may be longer if stipulated to be medically necessary by employee’s health care provider. However, FMLA will not exceed 12 weeks, and will be unpaid for the time after Jane exhausts her paid time off.

On January 7, Jane will have time balances of:
- 20 sick days + 1 day that accrues at the end of January for a total of 21 (Sick)
- 5 paid time off days + 2 days that accrue at the end of January for a total of 7 (PTO). January 21 is a University holiday and is therefore not counted as sick time.
- 25 STD days (STD)

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- End of PAID leave for Normal Delivery
- End of PAID leave for Caesarean Section

- Sick
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Care of Family Member

John Doe has requested 4 weeks of consecutive FMLA beginning February 1 to care for his sick parent. FMLA will be approved for February 1 through February 28. On February 1, John will have time balances of:

- 20 sick days; however, only 3 sick days will be paid because the leave is not for his own serious health condition (Sick)
- 5 PTO days (PTO)
- 10 Short-term disability days; however, none will be used because the leave is not for his own serious health condition

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<td>Note from health care provider date and method of delivery</td>
<td>FMLA Administrator</td>
<td>FMLA Administrator</td>
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<tr>
<td>Note from health care provider return to work form (unless for daily care)</td>
<td>FMLA Administrator</td>
<td>FMLA Administrator</td>
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<td>Intermittent Leave: Information/Leave Tracking Form (if applicable)</td>
<td>FMLA Administrator</td>
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FMLA: Roadmap

Applying for Family & Medical Leave:
Your Own Serious Health Condition, Pregnancy, Care of Newborn, or Adoption/Foster Care

1. Notify Supervisor or HR of your FMLA leave requested.
2. Complete the Short Form Disability/Family & Medical Leave Request Form (Penn Form).
3. Have your treating physician complete the Certification of Health Care Provider in Support of FMLA Form (DLH form).
4. Submit both forms to your supervisor or HR.
5. Verify whether your leave is correct.
6. While on leave, you are responsible for maintaining your employment status.
7. If you fail to return to work on your scheduled date:
   - Your leave will be terminated.
   - Your leave will be terminated if you fail to return to work on your scheduled date.
   - You will be subject to termination.
8. When you return to work, you must report to your supervisor or HR.
9. FMLA Administrator will review your leave request.

* If you are taking care of a member of your immediate family, you should request coverage for 3 months of your own leave for a child or a relative.
# For More Information

<table>
<thead>
<tr>
<th>For questions about:</th>
<th>Contact:</th>
</tr>
</thead>
</table>
| Family & Medical Leave, Short-Term Disability & Sick Leave at Penn | Helena Gibbons  
FMLA Administrator  
hgibbons@upenn.edu  
215-898-1333 (phone)  
215-573-7385 (fax)  
Aysha Horshaw  
FMLA Administrator  
ahorshaw@upenn.edu  
215-898-0914 (phone)  
215-573-7385 (fax)  |
| Department of Labor FMLA guide:  
http://www.dol.gov/whd/fmla/employeeguide.pdf | Penn Human Resources  
3401 Walnut St., Suite 527A  
Philadelphia, PA 19104-6228  
fmla@hr.upenn.edu |
| The Family & Medical Leave Act | Department of Labor - FMLA website:  
| Workers’ Compensation  
Employees who suffer an injury on the job or illness sustained in the course of employment with the University are covered by Worker’s Compensation Act. | Monica Dagger  
Workers’ Compensation Manager  
mdaqnger@upenn.edu  
215-898-1338 (phone)  
215-898-9802 (fax)  |
| Office of Risk Management  
3451 Walnut St.  
Franklin Building, Suite 421  
Philadelphia, PA 19104 | |
| Long-Term Disability at Penn  
Disabilities beyond six months or 132 consecutive days are covered under LTD. | Melissa A. Smith  
Penn Human Resources  
3410 Walnut St., Suite 527A  
Philadelphia, PA 19104-6228  
smithma@upenn.edu  
215-898-1326 (phone)  
215-573-7385 (fax)  
Geri Zima  
zima@exchange.upenn.edu  
215-898-1331 (phone)  |
| Aetna Life Insurance Company  
P.O. Box 14560  
Lexington, KY 40512-4560  
888-322-3862 (phone)  
866-667-1987 (fax) | |
| Americans with Disability Act (ADA)  
Employees who are unable to return to work after exhausting FMLA and STD should contact this office to discuss a leave as an accommodation under this Act. | Patrice Miller  
pdmiller@pobox.upenn.edu  
215-898-1744 (phone)  
215-746-7088 (fax)  |
| Office of Affirmative Action and Equal Opportunity Programs  
3600 Chestnut St., Sansom Place East, Suite 228  
Philadelphia, PA 19104-6106 | |
Non-Discrimination Policy Statement

The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, sex, sexual orientation, gender identity, religion, color, national or ethnic origin, age disability, or status as a Vietnam Era Veteran or disabled veteran in the administration of educational policies, programs, or activities; admissions policies; scholarship and loan awards; athletic, or other University administered programs or employment. Questions or complaints regarding this policy should be directed to: Executive Director, Office of Affirmative Action and Equal Opportunity Programs, 3600 Chestnut Street, Sansom Place East, Suite 228, Philadelphia, PA 19104-6106 or (215) 898-6993 (voice) or (215) 898-7803 (TDD).

Statement on Collective Bargaining Agreements

The provisions of applicable collective bargaining agreements govern the Health & Welfare benefits of employees in collective bargaining units.

This guide is intended to address the process of applying for leave at the University of Pennsylvania. It is not intended to restate the FMLA regulations or the University’s policies. For more information, see www.hr.upenn.edu/myhr/resources/policy or www.dol.gov/compliance/laws/comp-fmla.htm.