

Family and Medical Leave: Required Paperwork for Adoption

Your absences due to placement of a child under your care for adoption may qualify you for benefits under the Family and Medical Leave Act (FMLA) of 1993. This email is to advise you of your rights and the steps necessary for you to take in order to begin the FMLA request process.

FMLA is a federal law that protects your job and benefits while you are on leave; it provides 480 hours/12 weeks of job and benefit protection; it does not guarantee pay and it does not provide additional leave hours. In order to qualify for FMLA an employee has to have at least 12 calendar months of service with the State of Texas prior to the date of leave; and have worked at least 1,250 hours for the State of Texas in the 12 months immediately preceding commencement of the leave.

You are required to use your accrued leave before going into an unpaid status, if applicable, and these hours run concurrently with FML. The paperwork is required to determine if the circumstances qualify for FML and to accurately determine if the circumstances qualify for the use of sick leave, vacation leave and/or unpaid leave. Please be assured this paperwork is kept separately from your personnel file and all medical information is confidential.

To request leave under FMLA there are certain documents required. Attached are two forms: (1) *FMLA Paperwork Instructions for Adoption* and (2) *FMLA UHCL Request Form*. Please complete the Family and Medical Leave Request Form and provide the additional information/documents required. All forms/documents must be returned to the Office of Human Resources within 15 days from the date provided, or 30 days prior to the commencement of your leave. If you are unable to meet this deadline, please contact me.

After the documents have been reviewed, you will receive written notification regarding the outcome of your FMLA request. If you fail to return the forms as required, your absence may be ineligible for job and benefit protection under FMLA.

You are required to coordinate your absences and maintain regular communication with your immediate supervisor during the period of time you are on FML. Failure to maintain this communication could result in the cancellation of your remaining FMLA benefits. I am not copying your supervisor on this email as you informed me that you have not yet communicated with your supervisor about this matter. Please advise once you have done so.

Employee Rights & Responsibilities provides additional FMLA information and is attached for your review.

FMLA: Required Paperwork Instructions-Adoption

You will complete:

1. FMLA UHCL Request Form

Have the adoption agency or attorney provide the following information:

1. Statement that you are in the process of adoption.
2. Estimated timeframe for adoption process.
3. Description of any anticipated reasons for leave.*

*For example, the employee may be entitled to FMLA leave to attend counseling sessions, appear in court, consult with his or her attorney or the birth parent's representative, submit to a physical examination, or travel to another country to complete an adoption before the actual date of placement.

Please note that alternative documentation that you already have in place may be acceptable.

You will return to me:

1. FMLA UHCL Request Form
2. Statement from adoption agency or attorney or other acceptable documentation

Forms must be returned to the Office of Human Resources within 15 days from the date provided or 30 days prior to the commencement of your leave. If you are unable to meet this deadline, please contact us.

Forms can be returned to us via fax or scan/email. If you prefer, you can drop off the hard copy in HR B2537, or mail the forms to us.

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Bay Area Boulevard, Box 167
Houston, Texas 77058-1098

****To Be Completed By The Employee***

Employee Information

Name _____ EMPLID _____
Home Address _____ City _____ State _____ Zip _____
Phone (Home) _____ (Cell) _____ (Work) _____
Personal Email (if you will not check work email while out) _____
Department: _____ Supervisor's Name: _____ Work Ext.: _____
Work Schedule _____

Leave Request Summary

- 1) Is the qualifying condition due to the serious health condition of the employee? Yes No
- 2) Is the qualifying condition due to birth or placement of a child with you for adoption or foster care? Yes No
Please indicate: Birth Adoption Foster Care Anticipated birth or placement date: _____
- 3) Is the qualifying event due to Military Leave: Active Duty Leave Military Caregiver Leave? Yes No
Active Duty: Qualifying Exigency _____ Relationship _____
Military Caregiver: Certification of health care provider: Yes No Certification for next of kin: Yes No
- 4) Is the qualifying condition due to a serious health condition of child, parent, or spouse of employee? Yes No
If leave requested is for the serious health condition of a dependent, please give the following information:
Name _____ Relationship _____ DOB(if child) _____
- 5) Is this a joint application with a spouse who is also a UHCL employee? Yes No

****To Be Completed By The Employee***

Dates of Leave

Continuous full-time leave, beginning ___/___/___ and ending ___/___/___.

Dates to be determined and as approved by supervisor.

Intermittent leave:

1st period beginning ___/___/___ and ending ___/___/___.

2nd period beginning ___/___/___ and ending ___/___/___.

Dates to be determined as needed and as approved by supervisor.

Combination of continuous and intermittent leave needed.

Reduced schedule leave, beginning ___/___/___ and ending ___/___/___.

FTE reduced to: _____

Employee Agreement

I understand and agree to the following provisions as applicable:

- I have at least 12 calendar months of service with the State of Texas prior to the date of leave; and I have worked at least 1,250 hours for the State of Texas immediately preceding my leave. If less that amount, I am eligible for Parental Leave for the birth or placement of a child.
- I must exhaust all sick and vacation accrued leave while taking FML/Parental Leave. Once my paid leave is exhausted, I will be placed on leave without pay.
- After 12 weeks or the amount of approved leave, if I do not return to work or contact my supervisor or manager on or before the date intended, it will be considered that I abandoned my job.
- I will report periodically during the leave (at least once per week) to my supervisor on my leave status and intention to return to work.
- I will receive the state credit for health insurance during Family and Medical or Parental Leave and will be billed for any additional insurance premiums due. Should I fail to pay the additional premiums, my health insurance coverage will be changed to employee only level and optional coverage will be canceled. Continuation of group insurance is subject to the conditions and policies of ERS relating to coverage while on leave without pay.
- I must provide a release to return to work from my physician following my leave. Should I fail to do so, my department may deny restoration of my employment.

Employee Signature _____ Date _____

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current 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*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and 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 also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



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