



## FMLA Frequently Asked Questions

**The Family and Medical Leave Act of 1993 (FMLA)** is a federal regulation that requires all public and private employers with 50 or more employees within a 75-mile radius of a single location to allow up to 12 weeks of unpaid leave in a one-year period for an employee's own or a family member's serious health condition, for the birth or adoption of a child and for military exigencies.

Iona College provides FMLA leave to qualifying faculty members, administrators and staff employees. In the case of leave for a serious health condition, time may be taken in a continuous 12 weeks, on an intermittent basis or on a reduced schedule, as recommended by the treating physician. Clarification on definition of Serious Health Condition can be found by visiting the Department of Labor [online](#). The law also provides 26 weeks for military caregiver leave.

An employer must return an employee to the same or an equivalent position (with some exceptions). To be eligible for FMLA leave, an employee must work for 12 months for an employer, work at least 1,250 hours in the 12 months prior to the start of the leave, and work at a worksite where 50 or more employees are employed by the employer within 75 miles.

**Q: How much leave am I entitled to under the Family and Medical Leave Act?**

**A:** If you are an "FMLA-eligible" employee, you are entitled to 12 weeks of FMLA leave for certain family and medical reasons during a 12-month period.

**Q: How is the 12-month period calculated under the Family and Medical Leave Act?**

**A:** A "rolling" 12-month period measured backward from the date an employee uses FMLA leave. For example, John requests three weeks of FMLA leave to begin on July 31, 2017. The employer looks back 12 months (from July 31 back to the previous August 1) to see if any FMLA leave had been used. John had not taken any previous FMLA leave, so he is entitled to the three weeks he requested and has nine more weeks available.

**Q: Does the Family and Medical Leave Act guarantee paid time off?**

**A:** No. The FMLA only requires unpaid leave. However, the law permits an employee to elect, or the employer to require the employee, to use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA leave period. Iona College does not require eligible employees to exhaust accrued vacation time during periods of FMLA. Employees may also be eligible for short-term disability payments. When paid leave is substituted for unpaid family medical leave, it may be counted against the 12-week FMLA leave entitlement if the employee is properly notified of the designation when the leave begins.

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**Q: Do I continue to accrue vacation and sick time while I am on an approved FMLA leave? What if my leave coincides with a paid holiday?**

A: While on an approved FMLA leave, employees will continue to accrue holidays, vacation time and sick time through the fifth week of leave. Additional holidays, sick time and vacation time do not accrue after five weeks of leave. Iona College does not require eligible employees to exhaust accrued vacation time during periods of FMLA. Administrative employees are eligible for up to six months of salary continuation for their own Serious Health condition.

**Q: Does an FMLA covered leave affect my benefit elections?**

A: Consistent with Federal law, the FMLA provides time off and benefit continuation for qualified leaves, and therefore, medical, dental and vision benefit coverage would not be negatively impacted. However, an employee who's FMLA may run concurrent with NYS disability leave or unpaid leave, as in the case of the exhaustion of sick time, may be required to remit payment for the employee portion of certain health and welfare benefits.

**Q: Does workers' compensation leave count against an employee's FMLA leave entitlement?**

A: It can. FMLA leave and workers' compensation leave can run together, provided the reason for the absence is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as family medical leave.

**Q: Can the employer count time on maternity leave or pregnancy disability as leave under the Family and Medical Leave Act?**

A: Yes, maternity leave and pregnancy disability are both eligible for family medical leave. Pregnancy disability leave or maternity leave for the birth of a child would be considered qualifying FMLA leave for a serious health condition and may be counted in the 12 weeks of FMLA leave so long as the employer properly notifies the employee in writing of the designation.

**Q: Which employees are eligible to take FMLA leave?**

A: Employees are eligible to take FMLA leave if they have worked for their employer for at least 12 months, and have worked for at least 1,250 hours over the previous 12 months, and work at a location where at least 50 employees are employed by the employer within 75 miles.

**Q: How, and when, should employees request FMLA?**

A: To request a leave of absence under the FMLA, please contact Tracey Wilmot, director of Human Resources and Title IX coordinator, at [twilmot@iona.edu](mailto:twilmot@iona.edu) or (914) 633-2067. Requests for anticipated leave of absences, should be received by Human Resources in a timely manner and as far in advance of the necessitated leave as possible.

For additional information, please visit the Department of Labor [website](#). To request a leave of absence under the FMLA, or notify Human Resources of a potential need for leave under the FMLA for a direct report, please contact Tracey Wilmot, director of Human Resources and Title IX coordinator, at [twilmot@iona.edu](mailto:twilmot@iona.edu) or (914) 633-2067. No direct supervisor may grant or deny a leave under the FMLA; such leaves can only be approved by the Office of Human Resources.