

Family And Medical Leave Act (FMLA) Instructions-Faculty/Residents/Fellows

Effective immediately, the Department of HR School of Medicine will maintain records of the **Certification of Health Care Provider - Family and Medical Leave Act** forms and accompanying notice forms for the School of Medicine. Under **NO** circumstances should any direct supervisor (or designee) receive or accept the form from the Resident or Fellow. Residents and Fellows are instructed to deliver/mail the form directly to HR School of Medicine which is located at Annenberg 21 Room 261.

The Family And Medical Leave Act (FMLA) is a federal law that protects employee's position for up to 12 work weeks under certain circumstances and when all required conditions have been met.

Time off under FMLA may be taken as continuous leave or on an intermittent basis.

All forms can be found at the Human Resources Intranet website under "**Leave of Absence/FMLA Forms**". You can also click on the form's name below to be taken directly to the form on the HR Intranet website.

Eligibility Requirements:

1. To be eligible, the Faculty/Resident/Fellow must have worked a total of 12 months **AND** have worked 1250 hours in the previous 12 months.
2. Leave under FMLA is available for the following reasons: care of spouse/parent/child with a serious health condition, the birth, adoption or foster placement of a child, Faculty/Resident/Fellow own serious health condition, military leave-covered service member, and military leave-qualifying exigency.

Once a Faculty/Resident/Fellow requests a leave or provides a department with information to make the department aware of an absence that may be eligible for FMLA, **the department must follow the FMLA Procedures first**, to determine if and how the FMLA applies to the Resident and/or Fellow.

Faculty/Residents/Fellows who do not meet the requirements for FMLA eligibility or have exceeded the 12 work week maximum FMLA leave period may be eligible for other types of leave. Please contact HR School of Medicine at 212-241-4097 for additional information.

Procedure to apply for FMLA

Step One – Faculty/ Residents/Fellows

- Read applicable manual/handbook to reference the FMLA policy:
 - Faculty – **Faculty Handbook and Policies: Faculty Benefits (Leave of Absence)**
www.mssm.edu/about-us/services-and-resources/faculty-resources/handbooks-and-policies/benefits/other-benefits/leaves-of-absence
 - Residents and Fellows - **House Staff Manual page 12 (Leave Time)**
www.mssm.edu/static_files/MSSM/Files/Education/Residencies%20and%20Fellowships/Consortium/HSM.pdf

For additional information please read HR Manual Policy #3.18 (Leave of Absence) on the HR Intranet website

- Notify department verbally or in writing of need for leave, the anticipated duration of leave and the anticipated timing of leave. You must submit your request 30 days prior to beginning the leave if foreseeable or in the case of an emergency, as soon as practical. All institutional requirements, including but not limited to notice to the program, must be met.
- If you are requesting FMLA for your own serious health condition, your treating physician must complete the **Certification of Health Care Provider - Family and Medical Leave Act** form and you must return the form to HR School of Medicine within 15 calendar days. If you are requesting FMLA to care for a family member, their healthcare provider must complete the form and you must submit the form to HR School of Medicine.
- Under **NO** circumstances should any member of department management receive or accept the form – **only HR School of Medicine is to receive the certification form.**
- The FMLA leave may be either delayed or denied until the certification is completed and supplied to HR School of Medicine.

Step Two – Department

- Once you are informed by Faculty/Residents/Fellows of the need for leave, you must verify the Residents and/or Fellows' FMLA eligibility and whether the condition qualifies under FMLA. **Also, check training program regulations to be sure department stays in compliance. Be clear about how leave time can potentially extend training dates.**
- Send applicable **Certification of Health Care Provider - Family and Medical Leave Act** form to Faculty/Resident/Fellow if additional information is needed to determine if the Residents and/or Fellows' FMLA leave request can be approved.
- Inform the Faculty/Resident/Fellow that the FMLA leave may be either delayed or denied until the certification is completed and supplied to HR School of Medicine.
- HR School of Medicine will inform department of status of Faculty/Residents/Fellows medical certification form
- Under no circumstances should any member of the department accept the **Certification of Health Care Provider - Family and Medical Leave Act** form from the Faculty/Resident/Fellow – this form is for HR School of Medicine only.
- Complete the **Designation Notice** form and give a copy to the Faculty/Resident/Fellow. This form notifies the Faculty/Resident/Fellow whether their leave request has been approved or denied, and must be issued to the Faculty/Resident/Fellow within five (5) business days of the initial leave request.
- Forward a copy of completed **Designation Notice** form to HR School of Medicine. Retain a copy of the form for your records. **The forms must be kept in a separate file from the departmental file.**
- Submit a transaction through HRTS placing the Faculty/Resident/Fellow on leave, (FMLA, etc.) The HRTS transaction should be initiated as soon as the leave is approved or no later than 5 business days after Resident and/or Fellow is on leave.
- Department is responsible for maintaining the internal records of the leave balances and FMLA leave usage
- Under certain circumstances, the department may need to begin the FMLA process without Residents and Fellows' initiation. Contact HR School of Medicine at 212-241-4097 for additional information

Step Three – HR School of Medicine

- HR School of Medicine receives copy of **Designation Notice** form from Department; prepares Faculty/Resident/Fellow file pending **Certification of Health Care Provider - Family and Medical Leave Act** form from Residents and Fellows.
- HR School of Medicine receives the Faculty/Resident/Fellow medical documentation for review; the Faculty/Resident/Fellow will be asked by HR School of Medicine to provide additional information, if necessary.
- If medical certification is incomplete, HR School of Medicine will specify to Faculty/Resident/Fellow the information needed to cure deficiency. In that case, Faculty/Resident/Fellow is given an additional 7 calendar days to provide information or the leave may be denied.
- HR School of Medicine will maintain records of medical certification and accompanying notice forms separate from personnel files in a confidential manner.
- HR School of Medicine is not responsible for tracking the time used by Faculty/Resident/Fellow in individual departments.

Step Four – Faculty/Residents/Fellows

- Receives **Designation Notice** form; if approved, leave will run concurrently with any other leave available (worker's comp, short-term disability, etc.); notice explains their rights and responsibilities while on leave.
- Will also receive **Designation Notice** form if he/she does not qualify for FMLA ineligibility and instructed to discuss options available with HR School of Medicine.
- Must have medical certification returning them to full duty without restriction issued to department If returning to work from own serious health condition.

Step Five – Department

- Contact HR School of Medicine if the Faculty/Resident/Fellow has used the full the 12 work weeks and no longer has FMLA time available or has been employed more than six (6) months but less than one (1) year.
- Under specific circumstances, a may be entitled to additional leave time/reasonable accommodation as required by the ADA and under applicable Federal, New York State and local laws. Contact HR School of Medicine for further information.