

Human Resources Department

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Family Medical Leave Information

Family Medical Leave (FML) is leave that provides certain job and benefit rights and is limited to a total of 12 weeks during a 12 month period measured forward from the date your FML usage starts. To be eligible for FML employees must have completed at least 12 months of state employment and worked at least 1250 hours over the previous 12 months.

Following is a list of important facts regarding FML:

When requesting FML, you ordinarily must provide 30 days advance notice when the leave is foreseeable.

Employees may take FML due to:

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

Military leave entitlements include leave:

- For a qualifying exigency arising because your spouse, child, or parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves, or
- In order to care for a Covered Servicemember with a serious health condition (up to 26 weeks of leave during a single 12 month period).

You must provide a completed health care provider certification within 15 calendar days. We reserve the right to delay the commencement of your leave until this documentation is received. A medical certification form is included in this packet.

If your leave is due to the birth, adoption, or placement in foster care of a child, you must attach a birth or adoption certificate or other suitable documentation (medical certification is acceptable). We reserve the right to delay the commencement of your leave until this documentation is received.

FML runs concurrently with all other types of eligible paid leave (workers' compensation leave, sick leave, sick leave pool, vacation, comp time, and leave without pay).

You must pay for any optional insurance coverage. If you normally pay insurance premiums and/or healthcare reimbursement or dependent care reimbursement premiums by payroll deduction, these payments must continue during your FML. Employees Retirement System of Texas will bill you for these premiums which are due the first calendar day of the month of coverage and payable within 30 days. If you do not pay your total monthly premium (partial payments are not accepted) when due, your coverage will be cancelled effective the end of the month for which your last premium was paid in full. You may contact ERS at 877-275-4377 if you have questions about your premiums.

If you do not return to work after your leave, you must repay the employer-paid insurance premiums unless you are not returning due to a serious health condition or circumstances beyond your control.

You will be required to present a return to work form if your FML was due to your medical condition. Your return to work may be delayed until this form is received.

If you are a "key employee" as described in Section 825.218 of the FMLA regulations, restoration to employment may be denied following FML leave on the grounds that such restoration will cause substantial and grievous economic injury to your employer.

While on leave, you may be asked for recertification. If you are on Workers' Compensation, you will be required