



Office of Human Resources

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Notice of Employee Rights and Responsibilities FMLA/OFLA Leave

If your leave qualifies for FMLA and/or OFLA leave, you will have the following rights and responsibilities:

Leave Entitlement: Effective the first day of your leave, time taken under the protected leave laws is counted against your leave entitlement. Generally you are entitled to 12 weeks of protected leave in a rolling 12-month period. The rolling 12-month period is measured backward from the date of any protected leave usage.

Paid Leave: Per the University policy, you will be required to use your paid accruals (sick, vacation, etc.) during your FMLA/OFLA leave. This means you will use your paid leave (sick, vacation, etc.) and that such leave will also be considered protected under the FMLA/OFLA leave statutes and counted against your protected leave entitlement.

- **All Employees** must use available accrued sick leave during FMLA/OFLA leave, unless the employee is on approved FMLA and is utilizing his/her short-term disability benefit.
- **Classified Employees:** Classified employees must use all accrued vacation leave during FMLA/OFLA leave before going in to unpaid status (leave without pay), unless the employee is on approved FMLA and is utilizing his/her short-term disability benefit. *See the OUS/SEIU Collective Bargaining Agreement, Article 49-Vacation Leave, Section 14, regarding an employee's option to retain up to 40 hours of accrued vacation leave.*

Upon exhausting all accrued sick leave, classified employees may use accrued compensatory time, exchange time, and/or personal leave during FMLA/OFLA leave.

- **Unclassified Employees (academic, research, and professional faculty):** Upon exhausting all accrued sick leave, unclassified employees may use accrued vacation leave time during FMLA/OFLA leave before going in to unpaid status (leave without pay).

Employees may not go in and out of unpaid status, unless on approved FMLA and receiving short-term disability benefits through Standard Insurance.

For additional information about how FMLA and OFLA leave coordinates with employees' paid leave accruals, please see the Family and Medical Leave Handbook posted on the FMLA website: <http://oregonstate.edu/admin/hr/benefits/fmla>.

Benefits:

- **Approved FMLA Leave:** Your health insurance coverage will continue provided you continue to contribute your portion of the premiums. Premiums will be deducted through normal payroll deduction when available. An employee who is in leave without pay status during FMLA leave will be responsible to self-pay their portion of health insurance premiums directly to the University. Employee-paid optional benefit premiums may be also be continued when self-paid by the employee.

If you do not return to work following FMLA leave for any reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA; or 3) other circumstances beyond your control, you may be required to reimburse the University for the employer share of health insurance premiums paid on your behalf during your FMLA leave.

- **Approved OFLA (only) Leave:** Your health insurance benefits are not continued unless the hours you work or are in paid status meet the requirements for benefit eligibility. The Benefits Department will notify you if your active coverage is expected to end and, if applicable, provide information about how to continue certain optional benefits on a self-pay basis.

For additional information pertaining to Benefits while on FMLA or OFLA leave, please see the Family and Medical Leave Handbook posted on the FMLA website: <http://oregonstate.edu/admin/hr/benefits/fmla>. You may also contact the Benefits Department at 541-737-2805 if you have further questions regarding your benefit status.

Medical Certification: In order to determine whether an employee's absence qualifies for protected leave under the FMLA and OFLA leave laws, you may be required to provide a medical certification from a qualified health care provider within 15 calendar days of the receipt of your notice for eligibility to take protected leave. It is the employees' responsibility to ensure a complete and sufficient medical certification is returned to the Office of Human Resources within the designated timeframe.

While on approved FMLA or OFLA leave, you may be required to furnish additional medical certifications if requested by the Office of Human Resources. The interval between re-certifying will not be less than 30 days, unless the circumstances for your leave have changed significantly.

Failure to provide a complete and sufficient Medical Certification may result in your leave being denied. Denied FMLA or OFLA is not protected under the leave statutes and the University may treat the absences as unexcused.

Periodic Check In: While on leave, you are required to check in periodically with your supervisor. You should provide information on your status, any change in circumstances, and if out for a continuous block of time, your intent to return work.

Status Changes: You are required to notify the FMLA office if the status of your leave requirements changes. Status changes may include, but are not limited to: a need for continuous leave while on approved intermittent leave; a need for more intermittent leave than the amount currently approved; or a need for leave beyond the current approved end date. If you are on approved leave and no longer require time off for the approved reason, please contact the FMLA office to close your file.

Leave Reporting: You are required to record any FMLA/OFLA leave taken on your regular timesheet.

Return to Work: If the status of your situation changes and you do not anticipate returning on your scheduled return date, you are expected to notify your supervisor and the FMLA office. Any additional leave must be pre-approved. When you return, you must be able to carry out the essential functions of your position.

Reinstatement Rights: Upon returning from protected leave, you have the following reinstatement rights:

- **FMLA:** You must be reinstated to either the same position held when leave began or to an equivalent position. An equivalent position is one that is virtually the same as the employee's former position in terms of pay, benefits, and working conditions and must involve the same or substantially similar duties and responsibilities.
- **OFLA:** You must be reinstated to the position held when his/her leave began.

If you remain on leave after exhausting your protected leave entitlement (FMLA/OFLA), you will not have the reinstatement rights outlined above.

Additional Resources

- **FMLA Handbook:** <http://oregonstate.edu/admin/hr/sites/default/files/ercc/fmla/fmla-handbook.pdf>
- **FMLA Checklist:** <http://oregonstate.edu/admin/hr/benefits/fmla>.
- **FMLA Website:** <http://oregonstate.edu/admin/hr/benefits/fmla>.