

FAMILY AND MEDICAL LEAVE ACT – CALCULATION OF LEAVE

The Family and Medical Leave Act (FMLA)¹ enables eligible employees to take up to 12 work weeks of unpaid², job-protected leave within a 12-month period for specified family and medical reasons. As part of its strategic commitment to update and harmonize the leave program for faculty and staff at the various campuses, division and units (“campuses”), the University of Arkansas System is aligning the calculation of this 12-month time period among the system campuses to a “counting forward” 12-month period, measured from the date of the employee’s first use of FMLA leave for a qualifying event. As allowed by law, some have been measuring leave by calculating leave measured backward from the first use of FMLA leave; others, have been using a fixed 12-month period, e.g. January 1 through December 31. The uniform, and for some new, method of calculating FMLA-qualifying leave, effective on July 1, 2020, will provide employees with greater transparency into the process and establish a more efficient method to administer leave.

This UASP fulfills the federal requirement to provide 60-days’ notice of the change to all employees. In keeping with federal guidelines, any employee who takes FMLA between now and June 30, 2020, may do so using either the existing method for their campus or the “counting forward” method (if not already used), whichever method provides the greatest benefit to him or her. Employees who are currently on approved FMLA leave during the current fiscal year will continue through the end of the established FMLA period. No additional action needs to be taken unless additional FMLA leave is requested.

For more information, please see your human resource contact at your campus, division or unit.

¹ On March 18, 2020, the Families First Coronavirus Response Act was enacted to provide relief to American workers in response of the coronavirus pandemic. Pursuant to that Act, certain employers are required to provide emergency paid leave under the FMLA and Emergency Paid Sick Leave Act from the effective date of April 2, 2020 through the expiration date of December 31, 2020. This policy does not address the particulars of those leave requirements, which were communicated to the campuses, divisions and units upon enactment. Any employee seeking information concerning coronavirus specific leave should contact the campus, division and unit human resource department.

²Generally, FMLA leave is to run concurrently with paid leave, such as accrued sick or annual leave.