FMLA and Disability Leave of Absence
Frequently Asked Questions (FAQs)

GENERAL

Q: Where can an employee find more information about taking a leave of absence?
A: The Human Resources website provides detailed information about what an employee should do before, during, and after a leave of absence. Employees should be directed to review this site when considering a leave of absence: https://hr.depaul.edu/Benefits/Health_Welfare/Leave/index.html

Key University Policies that may apply to a leave of absence include:
- Family and Medical Leave Act (FMLA) http://policies.depaul.edu/policy/policy.aspx?pid=187
- Personal Leave of Absence http://policies.depaul.edu/policy/policy.aspx?pid=201

These policies can be accessed from links on the Leave of Absence website listed above or at the University Policies and Procedures web site at http://policies.depaul.edu/

Q: Who can I contact if I have questions about the leave of absence process?
A: You can contact the Benefits Department at ext. 28232.

Q: Can I contact an employee regarding work-related issues when he/she is out on a leave of absence?
A: While an employee is on leave, he/she has been deemed unable to work and therefore should not be performing any work-related tasks from home.

Q: Can I talk to an employee or ask questions about the reason for the leave of absence?
A: No, a manager and fellow employees should not ask about the individual’s medical condition or reason for leave of absence.

Q: Do I have to pay an employee who is on a leave of absence?
A: FMLA is an unpaid leave of absence, but the university policy allows the employee to use accrued sick, vacation, or floating holidays during the period of FMLA leave. In addition, an FMLA leave may run concurrently with short-term disability leave.

If the employee is on an approved short-term disability leave, the salary is continued through the university’s short-term disability budget.

Q: How can I cover the work when an employee is on a leave of absence?
A: During this time period, the manager may consider hiring a temporary employee to assist with the department workload. For additional information on hiring a temporary employee, contact the Staffing Department at ext. 26855 or your designated recruiter.
Q: What do I do if an employee tells me he or she wants to extend the leave or wants to come back to work early?
A: If an employee contacts you directly with a request to extend or shorten the scheduled end date of the leave, you should contact the Benefits Department at ext. 28232 for assistance.

Q: Who do I contact if an employee on a short term disability or FMLA leave did not return to work after the leave's scheduled end?
A: If an employee does not return to work on the scheduled end date and you have not been notified of an approved change to the leave end date, contact the Benefits Department at ext. 28232 immediately.

FAMILY MEDICAL LEAVE ACT (FMLA)

Q: What is Family Medical Leave Act (FMLA)?
A: FMLA is a federal law that allows eligible employees to take up to 12 work weeks (up to 26 workweeks to care for a covered service member) of unpaid, job-protected leave for specified family and medical reasons.

In general, an employee who takes approved FMLA leave is entitled to be reinstated to the same or an equivalent position that the employee held when the leave started. If, at the time an approved FMLA leave is exhausted, an employee does not return to work or is unable to perform the essential functions of the job, there is no right to job restoration.

Q: Who is Eligible?
A: All faculty and staff who have one year of service (consecutive or nonconsecutive) and have worked a minimum of 1,250 hours during the 12-month period preceding the start of the leave are eligible.

Q: How long can an employee be on an FMLA leave?
A: Employees are eligible for up to 12 workweeks (up to 26 workweeks to care for a covered service member) of unpaid family and medical leave during each consecutive twelve-month period for which eligibility criteria have been met.

Q: What happens when an employee exhausts FMLA?
A: Once FMLA is exhausted and an employee is not able to return to work or is unable to perform the essential functions of the job, there is no right to job restoration.

Q: What happens if an employee’s FMLA expires but is still on short-term disability?
A: Once an employee exhausts the 12 weeks of FMLA, he/she may continue on short-term disability if deemed medically necessary by the physician. This means he/she will continue to receive short term disability benefits but job protection will no longer be available and the job may be posted. If the department decides to fill the position, once the employee is ready to return to work they must apply for any available jobs like any other job candidate.
**Q:** Whom do I contact if an employee on leave of absence has exhausted the 12 weeks of FMLA and I would like to move forward with posting the position?

A: You should contact Employee Relations at ext. 27182 to discuss next steps.

**SHORT-TERM DISABILITY**

**Q:** What is short-term disability leave?

A: Short-term disability is a salary continuation program for up to 26 weeks for an employee’s medically necessary leave of absence.

**Q:** Who is eligible?

A: Full-time faculty and staff are eligible for short-term disability.

**Q:** How long can an employee be on short-term disability?

A: Up to a maximum of 26 weeks (including the 2 weeks of sick pay for hourly employees) as long as the leave is medically necessary. The duration of short-term disability is determined by the physician.

**Q:** How do hourly employees report their hours while on short-term disability?

A: An hourly employee needs to enter their own accrued sick time during the first 10 work days of an approved short term disability leave. If sufficient accrued sick time is not available, the employee may use accrued vacation days. After the first ten work days, Human Resources will enter short-term disability hours for the remaining duration of the short term disability leave.