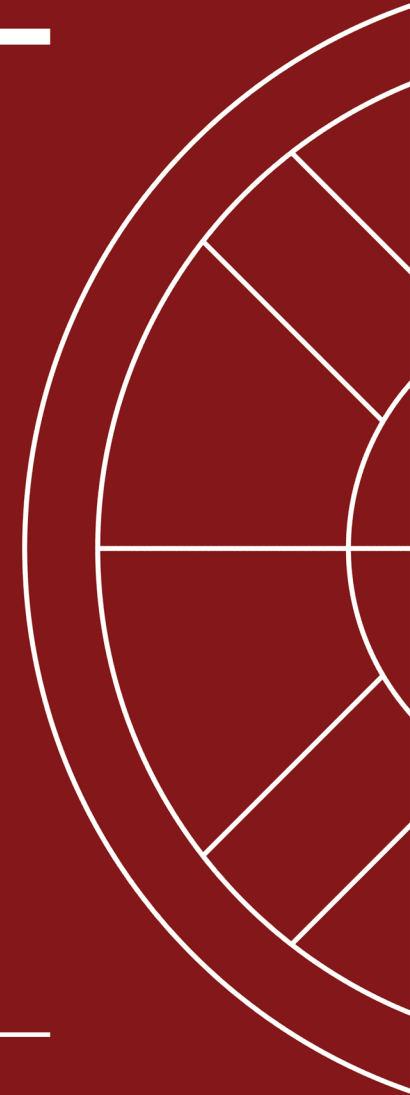
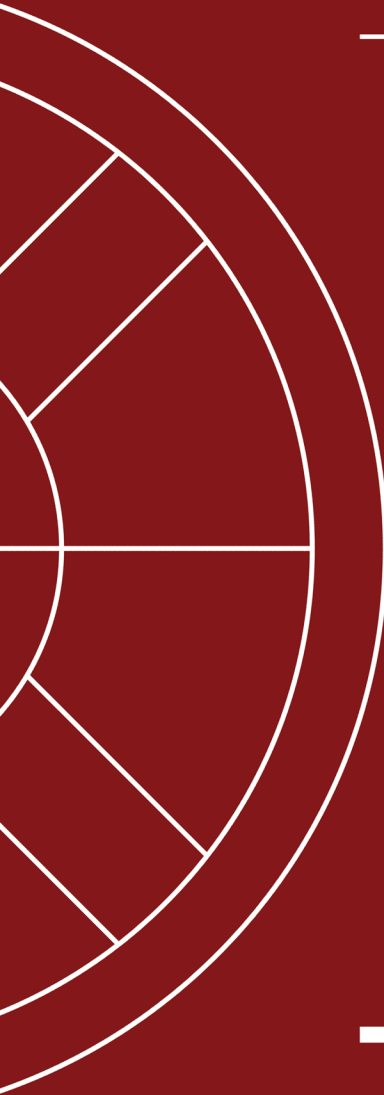




# Family & Medical Leave Act





# What is the FMLA?

- The **Family and Medical Leave Act of 1993 (FMLA)** is a United States labor law requiring covered employers to provide employees with job-protected, unpaid leave for qualified medical and family.
- Who does it apply to?
  - Employer with 50 or more employees
  - Public Agency, elementary, or secondary school



# Eligibility

- 12 months of employment with the University within the last 7 years
  - (need not be consecutive)
- 1,250 hours worked in the 12 months immediately preceding the qualifying event
  - (approximately 8 months)



# Qualifying Events

- FMLA Birth of a child
- FMLA adoption/placement of a child
- FMLA Employee health condition
- FMLA Health of a Family Member
- FMLA Qualifying Exigency for Military Leave



## Procedure

- Employee requests FMLA through TAL
  - if unable to request with TAL, then employees should directly contact: HR Leave Coordinator, their departmental Payroll Tech, and/or Supervisor
  - [Family & Medical Leave \(FMLA\) - OU Human Resources](#)
- Leave Coordinator verifies eligibility and sends out FMLA paperwork
- Employee has attending physician\* fill out FMLA form and returns form to HR
- Leave Coordinator sends out designation forms



# Timelines

- Initial Notification
  - Sent within 5 business days of us becoming aware of the need for FMLA
- FMLA Paperwork
  - Eligible employees have **15 calendar days** to return the Certification of Health Care Provider form
    - This deadline may be extended (usually **7 calendar days**) if the employee is in contact and a reasonable explanation is provided (deadline extensions must be approved by the Leave Coordinator)
- FMLA Designation
  - The University has **5 business days** from **the date the CHP is received** to designate, deny or request additional information



## For More Information

- Contact OUHSC Leave Coordinator
  - 402-271-2190 Ext 44726
  - [Jacob-turner@ouhsc.edu](mailto:Jacob-turner@ouhsc.edu)
  - [vanessallach@ou.edu](mailto:vanessallach@ou.edu)
- OU HSC FMLA FAQs
  - <https://hr.ou.edu/FAQ/Family-Medical-Leave-Act-FMLA>
- OU HSC staff handbook
  - <https://apps.hr.ou.edu/staffhandbook#3.11.2>



## Other Options

- Leave under the ADA
  - Pending sufficient medical documentation may seek leave as an ADA accommodation for a reasonable amount of time.
- ADA Accommodations for the workplace
- Employee working with department for accommodations
- Shared Leave Program





## Paid Parental Leave

- Up to 80 paid hours (based on FTE) for qualifying parental leave event
  - Used once per year
- Qualifying events: Birth; Care of a Newborn; Adoption/placement of a child
- FMLA generally required
- <https://hr.ou.edu/employees/holidays-time-off-leave#1010665-parental-leave-policy>

## Additional Resources

- <https://hr.ou.edu/Employees/Holidays-Time-Off-Leave/Family-Medical-Leave-FMLA>
- <https://apps.hr.ou.edu/staffhandbook#3.11.2>
- <https://askjan.org/>
- <https://www.dol.gov/agencies/whd/fmla>

The image features a dark grey background with a white geometric design. At the top, a white line starts from the left edge, moves right, then diagonally down-right, then horizontally right, and finally diagonally up-right to the right edge. A similar white line is at the bottom. On the left and right sides, there are partial circular diagrams. Each diagram consists of an outer circle, an inner circle, and several radial lines connecting them, creating a segmented circular pattern.

Questions?

# The Pregnant Workers Fairness Act (PWFA)

- Takes effect on 06/27/2023
- Requires covered employers to offer reasonable accommodations to qualified employees affected by pregnancy, childbirth, or related medical conditions
- Expands the accommodation requirements of the ADA (Americans with Disability Act)



# How does the PWFA expand worker protections and accommodations?

Reasonable accommodations may be available to pregnant workers regardless of whether they are disabled within the meaning of the ADA.

- *"...known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee."*
- Unlike the ADA, an individual who cannot perform essential job functions is still qualified under the PWFA if: the individual's inability to perform essential functions is temporary, the essential job functions can be performed in the near future, and the inability can be reasonably accommodated.



# Pregnancy Accommodations & Violations of the PWFA

## Examples of common pregnancy accommodations:

- Ability to sit
- Closer parking
- Flexible hours or scheduling; additional break times using restroom, eating, resting
- Light duty or temporary reassignment of strenuous activities
- Modifying work station
- Leave/ time off
- Receiving appropriately sized uniforms and safety apparel

## PWFA Violations Include:

- Refusing to offer a reasonable accommodation; not engaging in the interactive process
- Requiring employees to accept accommodations without discussion
- Requiring employees to take leave if another effective accommodation is available
- Denying a position or other employment opportunities because of need for accommodation
- Harassment or retaliation for requesting accommodation or exercising their rights



# Pump for Nursing Mothers Act

- Amends the FLSA pumping protections
- Expands existing lactation accommodations
  - Extended time from 1 year to 2 years
  - Protections for additional workers – teachers, registered nurses, care workers, farmworkers, motorcoach service operator employees, rail carrier employees, and others

## Resources:

- <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>
- <https://www.congress.gov/bill/117th-congress/house-bill/1065>





# PREGNANT WORKERS FAIRNESS ACT (PWFA)

## WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide “reasonable accommodations” to a qualified worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” An undue hardship is defined as causing significant difficulty or expense.

**“Reasonable accommodations”** are changes to the work environment or the way things are usually done at work.

## WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Being able to sit or drink water
- Receiving closer parking
- Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth
- Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy



## WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The ADA which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)



Learn more at [www.EEOC.gov/Pregnancy-Discrimination](http://www.EEOC.gov/Pregnancy-Discrimination).



# THE PREGNANT WORKERS FAIRNESS ACT (PWFA)

Prepare for this new law before it goes into effect on June 27, 2023.

## WHAT IS IT?

The PWFA requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”



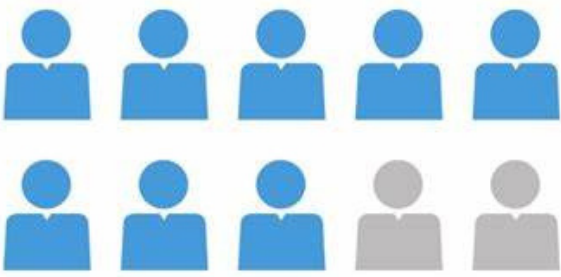
# 72%



of working women will become pregnant while employed at some time in their lives.

*SOURCE: US Census Bureau, Maternity Leave and Employment Patterns: 1961-2008, 2011*

## 8 IN 10



first-time pregnant women work until their final month of pregnancy.

*SOURCE: U.S. Congress, Pregnant Workers Fairness Act, 2021, www.congress.gov/117/crpt/hrpt27/CRPT-117hrpt27.pdf*

# 23%

of moms have thought about leaving a job due to a lack of reasonable accommodation or fear of discrimination from an employer during pregnancy, according to one survey.

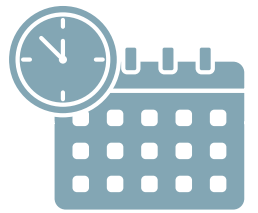
*SOURCE: Bipartisan Policy Center: Morning Consult Poll, February 11, 2022*

## TIP FOR EMPLOYERS:

Train supervisors about the PWFA so they are ready when they get reasonable accommodation requests.

## Examples of reasonable accommodations that may be available to workers:

- Offering additional, longer, or more flexible breaks to eat, drink, rest, or use the restroom
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time



- Changing food or drink policies to allow a worker to have a water bottle or food



- Providing leave for medical appointments or to recover from childbirth



Learn more at [EEOC.gov](https://www.eeoc.gov)