



Office of the Executive Vice President and Provost

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April 8, 2015

To: All Deans and Department Heads

From: Daniel J. Howard, Executive Vice President and Provost

A handwritten signature in blue ink that reads 'Dan Howard'.

RE: Faculty Leave and Family Medical Leave Act

I am requesting the assistance and attention of all administrators in our academic units.

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

This law has certain requirements that must be followed when an employer becomes aware of an FMLA-qualifying event, regardless of whether there is paid leave available to the employee.

We are revising the sick leave policy and expect to have revisions finalized very soon.

In the meantime, in order to be in full compliance with the law, I ask that Deans and Department Heads (and the HR Liaisons in each department) who receive any kind of inquiry from faculty or staff about leave time or consideration for any kind of special work arrangements due to any of the reasons noted above, to take these steps:

- (1) advise the faculty/staff member that they must meet with our benefits staff in HR to receive legally required notification of rights,
- (2) advise any faculty member that they must concurrently apply for and take FMLA leave as a condition for approval for sick leave under Policy 7.20.25.C
- (3) advise any faculty member that they must apply for and be certified as FMLA eligible (even if they don't plan to or want to take FMLA leave) as a condition for approval for any special arrangements in lieu of FMLA leave, and
- (4) notify HR of a possible FMLA-qualifying event.

By working with our HR department, we can ensure that all FMLA eligible employees are properly notified and that NMSU fully satisfies its legal obligations under FMLA. I greatly appreciate your assistance in this important matter.