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## PROCEDURE SUMMARY

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The Texas A&M University System (system) Regulation 31.03.05, *Family and Medical Leave*, provides guidelines for the administration of the Family and Medical Leave Act (FMLA).

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## PROCEDURES AND RESPONSIBILITIES

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### 1.0 PROCEDURES, REQUIREMENTS, AND RESPONSIBILITIES

- 1.1 When an employee is absent from work, or anticipates being absent from work, due to their own illness or the illness of an immediate family member, the system member must first determine if the employee is eligible for FMLA and if so, that the situation is a "serious health condition" as defined under the FMLA.
- 1.2 The employee does not need to request that the leave be designated as FMLA for it to qualify; however, the system member must obtain sufficient information to determine if the leave qualifies for FMLA.
- 1.3 Within five business days of learning of the need for leave and determining the qualification, the system member will send an FMLA packet to the employee. An FMLA packet generally contains the following:
  - A. Completed memorandum: Notification of FMLA Eligibility;
  - B. Employee Rights and Responsibilities under FMLA; and
  - C. Medical Certification Form.
- 1.4 If the leave is paid, the employee must comply with normal leave certification requirements as outlined in System Regulation 31.03.02, *Sick Leave*, and System Regulation 31.03.01, *Vacation*. If the leave is without pay, a completed Medical Certification Form is required within 15 days of the employee going into a leave without pay status, unless 15 days is not practical. All certifications must be treated as confidential medical records and kept separate from personnel records, in accordance with TVMDL Procedure 33.99.99.V0.02, *Official Personnel File*.
- 1.5 If the physician's documentation certifies the employee is absent from work due to an FMLA condition, the absence is documented as FMLA leave, and a previous tentative designation must then be confirmed.
- 1.6 If the physician's documentation does not verify that the illness is a "serious health condition" under FMLA guidelines, the employee must be informed, and the leave documented appropriately.
- 1.7 Leave which qualifies as FMLA leave runs concurrently with sick leave, vacation, other paid, or unpaid leave.
- 1.8 An employee on leave is required to report periodically (two-week intervals are recommended) on his or her status and intention to return to work. An employee should be encouraged to keep his or her supervisor informed about his or her intention to return to work.

- 1.9 Leave will be requested via Workday.
- 1.10 File all documents pertaining to the FMLA event in Laserfiche section 3.2.2 in a Confidential Personal Medical folder. Records management for this folder will follow the System Records Retention Schedule for leave documents using the completion of the FMLA as the closing date for the record.

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## **RELATED STATUTES, POLICIES, OR REQUIREMENTS**

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[System Regulation 31.03.01](#), *Vacation*

[System Regulation 31.03.02](#), *Sick Leave*

[System Regulation 31.03.05](#), *Family and Medical Leave*

[TVMDL Procedure 33.99.99.V0.02](#), *Official Personnel File*

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## **CONTACT OFFICE**

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Questions regarding this procedure should be referred to AgriLife Human Resources at 979-845-2423.

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## **REVISION HISTORY**

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*Approved: July 21, 2001*

*Revised: December 5, 2014*

*Revised: September 19, 2018*

*Next Scheduled Review: September 19, 2023*