

Family Leave Pool Administration

[System Regulation 31.06.03](#)

Pursuant to Section 661.021, the purpose of the state employee Family Leave Pool (FLP) is to provide state employees more flexibility in bonding with and caring for children during the child's first year following birth, adoption, or foster placement; caring for a seriously ill family member or themselves, including pandemic-related illnesses or complications caused by a pandemic.

Reason for Withdrawal

- Birth of a child
- Bonding – in the first year after child's birth
- Placement of Foster child or adoption of a child under 18 years of age
- Placement of any person 18 years of age or older requiring guardianship
- Serious illness of an immediate family member or the employee, including pandemic related illness
- An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member
- A previous donation of time to the pool

In the event of a previous donation of time to the pool, hours will be returned to the donor upon request if there are available hours in the pool.

Family Leave Pool Forms

- Family Leave Pool Withdrawal Request Form
- Family Leave Pool Donation – Donor Form

If medical documentation is required:

- Medical Certification Form for Employee
- Medical Certification Form for Family Member

Family Leave Pool Eligibility Requirements

- An employee must have exhausted all available leave*
- Not eligible for Sick Leave Pool
- Provide supporting documentation

*employees on intermittent leave are required to use their earned accruals (once eligible) before using pool hours. Unused hours must be returned to the pool.

The FLP leave may receive taxable or non-taxable hours dependent upon the donor's designation when hours are donated. The IRS guidelines for a medical emergency will be used to determine if the recipient is eligible for taxable or non-taxable hours. Non-taxable hours may be used for a major illness or other medical condition that requires a prolonged leave absence (at least 40 hours) from work.

Family Leave Pool FAQ

Where can I locate the Family Leave Pool policy?

The FLP regulation is online at System Regulation 31.06.03.

What are the eligibility criteria for receiving FLP leave?

An employee who receives hours from the family leave pool must have a documented need to use the hours. The receiving employee must have exhausted all their own available paid leave prior to receiving hours from the pool. Employees who are on Workers Compensation are not eligible for FLP.

Do I have to exhaust all of my own available leave accruals before applying to receive leave from the FLP?

Yes, all forms of applicable leave must be exhausted to be eligible to receive FLP leave.

Are there hours automatically added to the new FLP by the university/agency?

No, pool balances consist of individual employee donations of accrued leave; the university/agency does not contribute leave to the FLP.

What are the procedures for donating leave to the Family Leave Pool?

An employee who wishes to contribute hours to the FLP must complete the FLP Donation-Donor Form. Donations must be made in 8-hour increments.

What are the procedures for requesting leave from the Family Leave Pool?

An employee who is needing to request hours from the FLP must complete the FLP Withdrawal Request form.

What documentation do I need to provide if I want to use hours for my own serious medical condition or a family members medical condition?

You will need to submit the completed Medical Certification Form for Employee (or Family Member) as appropriate.

Additional relationship documentation is not required if the family member is covered as a dependent under the employee's insurance benefits. Otherwise to care for another person, the employee must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

What documentation do I need to provide if I want to use hours for baby bonding?

You will need to submit the birth certificate or adoption order. If using hours from the pool for bonding in the first year after the child's birth, the employee must be listed on the child's birth certificate. In the event of adoption, Attorney General opinion is that a state employee who adopts a child under three years of age is to be treated as if he or she had undergone pregnancy and childbirth.

What documentation do I need to provide if I have extenuating circumstances because of a pandemic?

If the request is for extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, the employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

Can I receive more hours than my doctor certifies?

No. An employee cannot receive more hours than the doctor certifies. Any unused hours will be removed from the employee's balance and returned to the pool.

Is there a maximum number of hours that an employee can donate to the FLP?

No. An employee may donate any amount of leave.

Is there a maximum number of hours that can be received from the FLP?

The maximum number of hours an employee can receive is capped at the lesser of 1/3 of the pool balance or 90 days.

Is there a lifetime maximum number of hours that can be received from the FLP?

Yes. An employee may not receive more than a total of 90 days during their employment.

If I receive pool hours, how do I record my absences?

You will request Time Off in Workday. There will be an option to choose the type of FLP in the drop-down list.

What happens to the FLP hours I receive if I terminate employment or transfer to another state employer?

All FLP hours will be removed from an employee's balance upon termination. The FLP hours do not transfer to another state entity, do not count for retirement credit and these hours are not eligible for restoration upon re-employment.

What happens to the unused FLP hours if I pass away while in active status?

Unused hours are returned to the pool. The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the pool.

When can I use my family leave pool donations?

Hours received from the family leave pool may be applied from the award date forward. Hours may not be applied to absences that occurred prior to the award.

Is FLP leave taxable to employees?

The FLP may receive taxable or non-taxable hours from the donor dependent upon the donor's designation when hours are donated. If taxable, IRS regulations require the university/agency to withhold taxes on the donated leave from the donor. The tax rate is approximately 25% and is based on the donor's salary. Recipients of FLP leave will be subject to normal payroll withholding taxes in the same manner as using any type of paid leave.

In the event of a withdrawal, the IRS guidelines for a medical emergency will be used to determine if the recipient is eligible for taxable or non-taxable hours. Non-taxable hours may be used for a major illness or other medical condition that requires a prolonged leave absence (at least 40 hours) from work.

Where can I find information on when the FLP leave is considered taxable or non-taxable?

- Birth of a child*
- Bonding – in the first year after child's birth**
- Placement of Foster child or adoption of a child under 18 years of age***
- Placement of any person 18 years of age or older requiring guardianship**
- Serious illness of an immediate family member or the employee, including pandemic related illness*
- An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member***
- A previous donation of time to the pool***

*non-taxable

**taxable

***taxable OR non-taxable – in the event of adoption, Attorney General opinion is that a state employee who adopts a child under three years of age is to be treated as if he or she had undergone pregnancy and childbirth. Based on this, adoption of a child under three would be non-taxable. In the event of an extenuating circumstance, an example of a taxable event may be a school closure as this would not meet IRS medical emergency guidelines.