

Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons.

Eligibility

Employees are eligible for FMLA leave if they have been employed with the University for at least 12 months and if they have worked for at least 1,250 hours during the 12 month period immediately preceding commencement of the leave.

Under FMLA, employees are entitled to leave for the following reasons:

- employee's serious health condition
- birth or adoption of a child and to care for a newborn child
- placement of a child with the employee for adoption or foster care
- employee is needed to care for a child, spouse, or parent with a serious health condition

In cases where employees are eligible for both University sick pay or leave and FMLA leave, that leave time will run concurrently.

Health Benefits and Job Restoration

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

Upon return from FMLA leave, an employee (unless designated as a "Key" employee who is salaried among the highest ten percent of employees within 75 miles of the worksite) must be restored to his or her original or equivalent position with equivalent pay, benefits, and other employment terms and conditions. The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Please refer to the NYU FMLA Policy and Procedure for additional information:

<https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/family-and-medical-leave.html>