

A Guide to the Interaction of the Family Medical Leave Act (FMLA) and Parental Leave Regular Faculty, Contingent Lecturers and Staff



This guide is a summary of the interaction of the FMLA with Parental Leave. For full details please consult the individual policies. If there are any discrepancies between this document and the policies, the policies shall prevail.

Please contact the Office of Human Resources (OHR) prior to taking leave. The Leave Benefits Specialist will consult with you about FMLA, Parental Leave, and completing your timesheet while on leave.

Qualification for FMLA (Unpaid, job-protected leave)

- An eligible employee has been employed at least 12 months as a USM or State of Maryland employee immediately prior to the beginning date of FMLA, and
- has worked for at least 1,040 regular hours as a USM or State of Maryland employee immediately prior to the beginning date of FMLA.
 - Employees with at least 6-months but less than 12-months of employment may still qualify for Parental Leave.

Qualifying Reasons to take FMLA

- Birth of the employee's child.
- The placement of a child with the employee for adoption or foster care.
- The need to take care of the employee's child within a 12-month period from birth or placement; and
- In Loco Parentis (in place of a parent, an individual who has day-to-day responsibilities to care for a child).

FMLA Entitlement

- A full-time employee may be eligible for up to 12 weeks (60 workdays) of FMLA.
- A part-time employee may be eligible for FMLA based on their percentage of full-time equivalency.
- FMLA entitlement occurs within a rolling 12-month period that is measured backward from the date an employee uses any FMLA.
- FMLA must be completed within 12 months of the qualifying reason - childbirth, placement with the employee of a child for adoption or foster care, or care for a newborn child.
 - While FMLA is completed within 12 months of the qualifying event, Parental Leave must be taken within 6 months of the birth/adoption of the child and taken continuously.

Required FMLA Forms

An employee must provide the OHR with complete, accurate, and timely information related to a request for leave, modification to the leave request, and return to work date. The following forms are **required** to initiate the FMLA request:

- [Faculty/Staff Request for Family Medical Leave](#)
- [Certification of Health Care Provider – Employee](#) **OR**
- [Certification of Health Care Provider – Family Member](#)

Health Benefits while on FMLA

- Group health coverage is maintained on the same terms as if the employee continued to work.
- Notify the OHR as soon as possible after the birth/adoption of the child to enroll the child in any benefit plans. The child cannot be added more than 60 days after the birth or adoption, except during open enrollment or following a qualifying event.

Compensation During Leave – Paid Parental Leave

Subject to the provisions of the USM policies on [parental leave for faculty](#) and [parental leave for regular staff](#), eligible employees may be able to utilize a minimum assured period of paid parental leave of 60 workdays.

- An employee must have six months of continuous employment in an eligible classification.
- The paid parental leave assurance shall be available on a *continuous basis* during a six-month period surrounding the qualifying event. It cannot be used intermittently.
- Paid parental leave is only available to an employee on one occasion in any 12-month period, and on two separate occasions during the duration of the employee's employment within the USM.
- **Staff Only:** The staff parental leave policy allows flexibility in applying accrued leave to qualify for parental leave. The employee can use a hybrid of leave, substitute sick leave, and more. The Leave Benefits Specialist will advise of the available options.
- All paid leave, from any source, runs concurrent with FMLA if the employee is otherwise eligible.

An employee who has not yet reached the six-month eligibility threshold may use other available leave for parental support purposes, pursuant to the applicable leave policies.

Faculty Only – Family Support Plans

- If faculty do not choose to take the continuous 12 weeks of leave, they may jointly develop a family support plan with their department chair.
- Examples of family support plans include course releases and workload modifications. One course release is the equivalent of using 160 hours of leave.
- Family support plans must be approved by the Dean or designee.

Please email leavebenefits@towson.edu if you have any questions or wish to schedule a consultation with the Leave Benefits Specialist.