

**ARIZONA STATE PERSONNEL SYSTEM
STATEWIDE POLICIES AND PROCEDURES**

Policy Number: ASPS/HRD-PA6.03	Issued: February 14, 2018
Subject: Family and Medical Leave Act (FMLA) Leave	Effective: February 14, 2018
Policy Section: Leave	Revised:
Policy Owner: ADOA Human Resources Division	

This policy does not create a contract for employment between any employee and the State. Nothing in this policy changes the fact that all uncovered employees of the State are at will employees and serve at the pleasure of the appointing authority.

Scope:

This policy applies to all agencies, boards, offices, authorities, commissions, or other governmental budget units of the State that are part of the State Personnel System.

Authority:

The [federal] Family and Medical Leave Act (FMLA)
29 CFR 825.100 through 29 CFR 825.800, [federal] FMLA Regulations
A.R.S. § 41-743, Powers and duties of the [ADOA] director
A.A.C. R2-5A-D601, Family and Medical Leave Act (FMLA) Leave

Definitions:

“Agency head” is defined in A.A.C. R2-5A-101 and means the chief executive officer of a state agency, or designee.

“Eligible employee” for the purposes of the FMLA is an employee who:

- Is an employee of the state of Arizona;
- Has been employed by the state of Arizona for at least 12 months; and,
- Worked for at least 1,250 hours of service during the 12 months immediately preceding commencement of the leave.

Policy:

It is the policy of this State that all state agencies comply with the federal Family and Medical Leave Act (FMLA) of 1993 and all applicable revisions. Any interference with, restraint of, or denial of an employee’s rights provided by the FMLA is strictly prohibited.

As provided by the federal FMLA, an eligible employee:

- Can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
 - The birth of a child or placement of a child for adoption or foster care;
 - To bond with a child (leave must be taken within one year of the child’s birth or placement);
 - To care for the employee’s spouse, child or parent who has a qualifying serious health condition;

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- For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child or parent
- Who is a covered service member’s spouse, child, parent or next of kin may take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

As required by the federal FMLA, each agency head shall display and keep displayed a poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act (FMLA) and telling employees how to file a complaint. The poster must be displayed in a conspicuous place where employees and applicants for employment can see the information. A poster must be displayed at all locations even if there are no eligible employees. A copy of the poster prepared by the U.S. Department of Labor (Form WH1420) can be accessed from the “Related Forms/Links” section, below.

A.A.C. R2-5A-D601, Family and Medical Leave Act (FMLA) Leave, provides additional information pertaining to the designation of FMLA leave, when an employee is required to use the employee’s available paid leave while on FMLA, employee responsibilities, benefits and protections, and agency rights.

Procedure(s):

The FMLA Process Flow Chart was developed as an overview of most FMLA cases and provides general information as to forms to send to an employee at points in time during their leave. The flow chart may not apply in every circumstance as FMLA situations must often be treated on a case by case basis. The flow chart can be accessed from the “Related Forms/Links” section, below.

An agency head may establish agency policy and procedures outlining agency-specific requirements, such as the agency’s procedures for requesting leave, how the agency will process FMLA requests, time reporting while on FMLA, etc. An agency may modify the templates below to accommodate specific agency needs. However, if there is a conflict between the agency’s policy, procedures, or templates and the FMLA, the provisions of the FMLA govern.

Related Forms/Links: (<https://hr.az.gov/content/hr-forms-and-templates>)

- Family and Medical Leave Act (FMLA) Poster WH1420
- FMLA Flowchart ASPS/HRD - BA6.01
- FMLA Acknowledgement Letter Template ASPS/HRD - TA6.01
- Family and Medical Leave Request ASPS/HRD -FA6.03
- DOL Notice of Eligibility and Rights WH-381
- DOL CHCP for Employee WH-380-E
- DOL CHCP for Family Member WH-380-F
- DOL Cert of Qualifying Exigency-Military WH-384
- DOL CHCP for Ill-Inj Service Member WH-385
- DOL Cert for Serious Inj Ill of Vet for Mil Caregiver Leave WH-385-V
- Medical Clearance for Return to Work ASPS/HRD - FA6.04
- Request to Receive Donation of Annual Leave ASPS/HRD - FA6.05

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| • <u>Important Info While on FMLA</u> | ASPS/HRD - BA6.02 |
| • <u>FMLA Designation Transmittal Letter Template</u> | ASPS/HRD - TA6.02 |
| • <u>DOL Designation Notice</u> | WH-382 |
| • <u>End of FMLA Options Letter Template</u> | ASPS/HRD - TA6.03 |
| • <u>Reasonable Accommodation Request Form</u> | ASPS/HRD – FA1.03 |

Corresponding Policies:

None

Contact:

If you have any questions related to Human Resources policy, please contact your agency Human Resources Office/representative.

Policy History (supersedes):

Not applicable