Understanding the Family and Medical Leave Act (FMLA)  
Quick Reference Guide

The federally mandated Family and Medical Leave Act provides eligible employees with up to 12 weeks of unpaid, job-protected leave a year and requires that group health benefits be maintained during the leave.

Employee Eligibility
An employee must meet the following criteria to be eligible for FMLA leave.
1. The employee must have been employed with Boise State University or the State of Idaho for at least twelve months.
2. The employee must have worked at least 1,250 hours over the previous twelve months.

Leave Entitlement
Boise State University must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:
- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; or
- For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active military duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to care for the servicemember.

What Constitutes a Serious Health Condition?
A “serious health condition” means an illness, injury, or impairment, or physical or mental condition that involves one of the following:
- Hospital care
- Incapacity plus treatment
- Pregnancy
- Chronic conditions requiring treatment
- Permanent/long-term conditions requiring supervision
- Multiple treatments

Requesting FMLA
BSU policy states that leave under the FMLA should be requested for any covered absence that is expected to last five or more consecutive days or continue intermittently over an extended period of time. An employee who knows in advance that he/she will take FMLA leave must provide 30 days notice before taking the leave. Either the employee or the supervisor can call Human Resource Services (HRS) at 426-1616 to complete the FMLA paperwork. If the employee is unable to provide advanced notice because of unforeseen circumstances, an employee’s friend or family member acting on the employee’s behalf can notify their manager of their need to take FMLA. As soon as notice is given, the manager must immediately complete the FMLA Leave Request Form by calling HRS at 426-1616. Or, the form can be given to the employee to complete.

The exceptions and unique benefits under FMLA are numerous and complex and as a manager, you should not attempt to determine if the employee is eligible or if their health condition qualifies for FMLA leave. The employee is not required to disclose the specifics of their health condition to their manager. The specifics of their health condition may be protected health information under HIPAA privacy regulations. All requests for leave under the FMLA must be reported to Human Resource Services.