

October 19, 2012

Employee Notice

FMLA CALCULATION for UTSA

“ROLL BACK” VERSUS “LOOK FORWARD” METHODS

The federal Family and Medical Leave Act (FMLA) provides eligible employees with 12 work weeks of qualifying leave within a 12-month period. Effective January 1, 2013, UTSA’s method for calculating the 12-month period will change to a “rolling” 12-month period measured backward from the date an employee first uses any FMLA leave. This announcement fulfills the requirement to provide 60-days’ notice of the change to all employees. During the transition period, employees taking FMLA between now and December 31, 2012 will do so under whichever method yields the greatest benefit to the employee.

Current UTSA Method: UTSA currently uses a “look forward” method for calculating an eligible employee’s 12 week entitlement of Family Medical Leave (FMLA) during a 12-month period. Using this method an employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA is taken and measured forward 12 months. The next 12-month eligibility period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

- Example: An employee takes FMLA leave for the first time beginning October 1, 2011. The employee in this case is entitled to 12 weeks of a qualified FMLA leave taken either continuously or intermittently through September 30, 2012. On October 1, 2012 or thereafter the employee will begin a new 12-month eligibility period for FMLA beginning on the first date FMLA is taken.

New UTSA Method: Effective January 1, 2013, UTSA’s method for calculating the 12-month period will change to a “rolling” 12-month period measured backward from the date an employee first uses any FMLA leave. With this method, the process would be to “count or look backwards” for 12 months from any given “request date” and total the amount of FMLA used (if any), subtract from the 12 week maximum. That balance is the amount of FMLA leave currently available for use.

- Example 1: An Employee requests to begin FMLA leave on February 1, 2013. Looking backward to February 1, 2012 the employee used no FMLA leave. Therefore, the employee has a balance of 12 weeks FMLA leave that can be utilized for a qualifying event.
- Example 2: An employee requests to begin FMLA leave on February 1, 2013. Looking backward to February 1, 2012, the employee used 4 weeks of FMLA in March 2012, and 4 weeks in October 2012 for a total of 8 weeks over the last year. The employee is entitled at the time of this request to 4 weeks of FMLA (12 week entitlement minus the 8 weeks already taken).

For questions regarding changes to the FMLA, contact HR Leave Management at 458-6647.