FMLA Initial Ineligibility Letter - Stacking:

Less Than 12 Months of Service and/or Less Than 1,250 Hours Worked (edit the first paragraph as applicable)

DATE

Employee Name

Employee Address

CITY, ST, ZIP

Dear EMPLOYEE,

We have reviewed your request for leave under the FMLA and supporting documentation you have provided. This letter is intended solely as notice that your current absence is not eligible for coverage under the Family and Medical Leave Act of 1993 (FMLA) because you have not been employed by the University of Michigan for 12 months and have not worked 1,250 hours. We anticipate you will be eligible for coverage under the FMLA beginning on DATE 1. It is not intended as a statement regarding the length of your absence.

On DATE 1 you will have been employed by the University of Michigan for 12 months, and your absence is a qualifying event under the FMLA.

**FMLA qualifying reason and your rights and responsibilities while on FMLA leave**

* Birth of your child, and to bond with your newborn child (birth parent). You are required to use all available paid time off during your leave. You will need to provide periodic reports of your leave status and your intent to return to work, or your pay, benefits, and status may be affected. You will also need to present a return to work confirmation from the primary treating provider to be restored to employment or your return may be delayed
* Birth of a child (non-birth parent), adoption or placement of a child for foster care in order to bond with the new child. You are required to use all available parental, vacation or PTO off during your leave. You will need to provide periodic reports of your leave status and your intent to return to work, or your pay, benefits, and status may be affected
* Your own serious health condition. You are required to use all available paid time off during your leave, unless your leave is covered by Worker’s Compensation or an outside insurance policy that reimburses lost salary. You will need to provide periodic reports of your leave status and your intent to return to work, or your pay, benefits, and status may be affected. You will also need to present a return to work confirmation from the primary treating provider to be restored to employment or your return may be delayed
* To care for a family member with a serious health condition. You have the option to use paid time off during your leave. You will need to provide periodic reports of your leave status and your intent to return to work, or your pay, benefits, and status may be affected
* To address a qualifying exigency. You have the option to use paid time off during your leave. You will need to provide periodic reports of your leave status and your intent to return to work, or your pay, benefits, and status may be affected

On DATE 1, you will be eligible under the FMLA for leave from work for the reason listed above for up to twelve (12) weeks in your FMLA benefit year with the continuation of health, dental, and vision coverage. You must be enrolled in the benefit plan to be entitled to the continuation of the benefit coverage, and you will remain responsible for your portion of the premiums. If you are on an unpaid FMLA leave, you will receive a FMLA Benefits Election form. That form will provide you with instructions for continuing or canceling your insurance, and how to pay for ongoing coverage.

Your current FMLA benefit year is DATE 2 to DATE 3**.** Your absence is also expected to include time away from work in your next FMLA benefit year, DATE 4 to DATE 5. Your absence due to the reason listed above, as of DATE 1 and as certified by appropriate documentation, will be counted toward your twelve (12) weeks of FMLA eligibility under the current FMLA benefit year. The period of your absence is also expected to be counted towards your twelve (12) weeks of FMLA eligibility in your DATE 4 to DATE 5 FMLA benefit year. Based on the information you have shared to date, it is anticipated that XXXXX hours/days/weeks will be counted against your leave entitlement, which would result in XXXX hours/days/weeks of FMLA remaining in your next FMLA benefit year. The length of your absence will be determined by your ability to return to work in conjunction with applicable University of Michigan policy and practice.

Upon your return to work from an FMLA qualifying absence, you will be placed in the same position you had before the absence started or an equivalent position. If you return to work after you have exhausted your FMLA leave benefit, you will be placed according to University of Michigan policy and practice.

Your rights and responsibilities for taking FMLA leave can be found on the U.S. Department of Labor website: <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

Information regarding the university’s FMLA policy is located on the Human Resources website: <https://hr.umich.edu/working-u-m/management-administration/fmla>

If you have any questions regarding this matter, please contact me at PHONE NUMBER, or at EMAIL ADDRESS.

Sincerely,

Cc:

Determining an employee’s FMLA benefit year and calculating annual FMLA entitlement

**Benefit year and completing the eligibility/notification letter:**

Example: Employee meets the effort/hours worked and qualifying event requirements of the FMLA, but has not been employed by the University of 12 months when the absence begins. The employee’s date of hire is June 15, 2016. Assume the employee attains 12 months of employment on January 14, 2017.

DATE 1: The date the employee meets the eligibility requirement of 12 months of employment. DATE 1 is January 14, 2017.

DATE 2: Employee’s date of hire. DATE 2 is June 15, 2016

DATE 3: One calendar year after DATE 2. DATE 3 is June 14, 2017

DATE 4: One calendar year after DATE 2. DATE 4 is June 15, 2017

DATE 5: One calendar year after DATE 4. DATE 5 is June 14, 2018

Annual FMLA benefit

An eligible employee is entitled to up to twelve (12) weeks of FMLA leave in a 12-month period

* A full-time employee (100% appointment) is entitled to 480 hours of leave (12 weeks x 40 hours per week)
* A part-time employee (less than 100% appointment) is entitled to a prorated amount of leave. For example, an employee who works 30 hours per week (75% appointment) is entitled to 360 hours of leave (12 weeks x 30 hours per week)
* For employees whose schedule varies week to week, please contact HR for guidance