Kansas Department of Administration
Family and Medical Leave Act (FMLA) Policy

The Family and Medical Leave Act, FMLA, is a federal law that provides eligible employees entitlement to 12 workweeks of paid or unpaid leave during a consecutive 12 months for the birth of the employee's child, the placement with the employee of a child for adoption or foster care, a qualifying serious health condition of the employee, or a serious health condition of the employee's child, spouse or parent.

The FMLA also provides for Military Family Leave as follows:

(a) Qualifying Exigency: an eligible employee is entitled to up to 12 weeks for any qualifying exigency, arising out of the fact that the spouse, child, or parent of the employee is on active duty in a foreign country, or has been notified of an impending call to active-duty status in a foreign country, in support of a contingency operation. This applies to members of the Regular Armed Forces, National Guard or Reserves.

(b) Care for injured service member: an eligible employee who is the spouse, child, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty in a foreign country, is entitled to up to 26 weeks of leave in a single 12-month period to care for that service member. This applies to members of the Regular Armed Forces, National Guard, Reserves, and certain Veterans. (Eligible Veterans are those that are undergoing medical treatment for an injury or illness sustained or aggravated during active military service within 5 years of the date on which the veteran undergoes medical treatment.)

An eligible employee is one who has worked for the employer for 12 months (not necessarily consecutively) AND has worked 1250 hours in the immediate previous 12 -month period.

The Department of Administration's policy requires that FMLA leave will be initiated and authorized for qualifying situations at the time the event occurs and will run concurrently with any available paid leave the employee may have. If the employee does not have leave, the FMLA leave will be unpaid.

The D of A Personnel Office staff in the Office of Personnel Services are available to provide the appropriate FMLA notification or certification forms. For more information and assistance with the provisions of the FMLA, please call 785-296-4770 or visit the DofA Personnel Office at Suite 260, Docking State Office Building, 915 SW Harrison, Topeka, KS 66612.

Adam C. Proffitt, Secretary
Department of Administration

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