

FMLA 12-Month Measurement Period FAQ's

1. What is changing with the University's FMLA leave measurement period?

The University is changing how it measures an employee's 12-week FMLA entitlement. The current method uses a rolling 12-month period measured backward from the date leave is used. Effective **January 1, 2027**, FMLA leave will be measured using a 12-month period measured forward from the first day an employee takes FMLA leave for a qualifying reason. This change aligns the University's FMLA administration with Delaware Paid Family and Medical Leave requirements. Employee eligibility requirements and FMLA protections remain unchanged.

2. Does this change reduce my FMLA entitlement?

No. Eligible employees continue to have up to 12 workweeks of FMLA leave during the applicable 12-month period for qualifying FMLA reasons. The change affects how the 12-month period is measured, not the amount of federal FMLA leave provided.

3. Will my eligibility for FMLA change because of the new measurement period?

No. The eligibility requirements for FMLA are not changing. Employees must still:

- Have worked for the University for at least **12 months**, and
- Have worked at least **1,250 hours during the 12 months immediately before the leave begins**.

4. When does my new 12-month period start?

For the measured-forward method, your 12-month period begins on the first day you take FMLA leave. For example, if your first FMLA leave begins June 5, your initial FMLA period runs June 5 through June 4 of the following year.

5. Does my FMLA year automatically start over every January 1?

No. The measured-forward method does not use the calendar year. Your FMLA period is based on when your first FMLA leave begins.

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6. I am currently on an approved FMLA leave of absence. How will this change affect me?

If you are actively using approved FMLA leave on January 1, 2027, you will receive a new 12-week FMLA entitlement beginning January 1, 2027. Any FMLA leave you used during 2026 will not reduce your new 2027 entitlement.

7. My approved FMLA leave began in November or December 2026 and continues into 2027. Will the leave I used in 2026 count against my 2027 entitlement?

No. Any FMLA leave used before January 1, 2027, will not count against your new 12-week FMLA entitlement that begins January 1, 2027.

8. I am approved for intermittent FMLA leave. How will the transition affect me?

If you are actively using approved intermittent FMLA leave on January 1, 2027, you will receive a new 12-week FMLA entitlement effective January 1, 2027. Any intermittent FMLA leave used during 2026 will not reduce the amount available to you in 2027.

9. Will I need to submit a new FMLA certification if I am already approved for leave?

Not necessarily. Existing certifications will continue to be administered according to their approved terms and expiration dates. The Leave Management Team will contact you if additional information or documentation is needed.

10. I exhausted my FMLA leave in late 2026 and was told I had no FMLA available. Can I request FMLA leave again in 2027?

Yes. If you are otherwise eligible for FMLA leave, you will receive a new 12-week entitlement effective January 1, 2027, and may request leave for a qualifying reason.

11. What if I am not on FMLA leave on January 1, 2027, but request FMLA later in the year?

Your 12-month FMLA period will begin on the first day you use FMLA leave for a qualifying reason after January 1, 2027. You will then have up to 12 weeks of FMLA leave available during the next 12-month measurement period.

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12. What happens if I don't use all 12 weeks of FMLA leave?

If you do not use all 12 weeks of FMLA leave during your 12-month leave measurement period, any unused time is lost and does not carry over to the next FMLA leave period. For example, if you use only 6 weeks of FMLA leave, the remaining 6 weeks will expire at the end of your 12-month measurement period. When a new FMLA leave measurement period begins, you will have up to 12 weeks available, not 18 weeks.

13. What happens if I use FMLA intermittently?

Intermittent FMLA continues to be tracked based on the amount of FMLA leave actually used within a 12-month measurement period.

14. How and when do I become eligible for FMLA leave again?

Under the University's new FMLA measurement method, a 12-month FMLA leave period begins on the first day you take FMLA leave. You may use up to 12 weeks of FMLA leave during that 12-month period.

For example, if an employee begins FMLA leave on January 8, 2027, their FMLA leave period will run from January 8, 2027, through January 7, 2028. If the employee uses all 12 weeks of FMLA leave and returns to work on April 2, 2027, they will not have any additional FMLA leave available during that same FMLA leave period.

After January 7, 2028, the next time the employee takes FMLA leave, a new 12-month FMLA leave period will begin. At that time, the employee may again be eligible for up to 12 weeks of FMLA leave, provided they continue to meet the FMLA eligibility requirements, including:

- Having at least **12 months of employment**, and
- Having worked at least **1,250 hours during the 12 months immediately before the new leave begins.**

Important: A new 12-month FMLA leave period does not automatically start when the previous period ends. It begins the next time an employee takes FMLA leave after the prior 12-month period has expired.

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15. Will my existing approved FMLA leave be affected?

No, the Human Resources Leave Management Team will review existing FMLA cases as part of the transition. The Leave Management Team will administer the change in accordance with FMLA regulations and will ensure that employees receive the benefit required during the transition period.

16. Will everyone have the same FMLA dates?

Not necessarily. Because the measured-forward method is based on the first date an employee takes FMLA leave, employees may have different individual FMLA 12-month measurement periods.

17. Does this change affect paid leave, vacation, or sick time?

Not necessarily. The FMLA measurement period determines your federal FMLA entitlement. It does not, by itself, change the University's separate policies regarding sick leave, vacation, disability benefits, or other paid leave.

Where applicable, paid leave (Paid Family Medical Leave, Short-Term Disability, etc.) may run concurrently with FMLA, subject to the University policies and applicable law.

18. What happens during the transition?

The transition is particularly important. The Department of Labor requires an employer changing its FMLA measurement method to provide at least 60 days' notice. During the transition, employees must retain the full benefit of 12 weeks under whichever of the old or new methods provides the greater benefit.

For those requiring FMLA leave, the Leave Management Team will review their balances, using the new measurement period to determine leave entitlement.

19. Will my FMLA balance reset in the Absence Compliance Tracking system (ACT) on January 1, 2027?

If you have an active, approved FMLA leave in ACT on January 1, 2027, you will receive a new 12-week FMLA entitlement beginning January 1, 2027.

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20. How do I apply for FMLA?

Log in to UDWorkforce and submit a Leave Request. <https://www.udel.edu/faculty-staff/human-resources/payroll/udworkforce/>

Leave Request Job Aid: https://www.udel.edu/content/dam/udelImages/human-resources/Payroll/JobAids/90_Managing_a_Leave_of_Absence_Case.pdf

21. Where can I learn more about the leave options available to me?

Additional information about available leave programs, eligibility requirements, and the leave request process is available on the Human Resources [Time Away From Work](#) website. You can also contact the Leave Management team if you have questions about your specific situation by emailing leavemanagement@udel.edu.