

HR Newsletter:

Notice of Change to FMLA 12-Month Measurement Period Effective January 1, 2027

The federal Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 workweeks of unpaid, job-protected leave during a 12-month period for qualifying family and medical reasons. To be eligible for FMLA leave, an employee must have been employed by the University for at least 12 months and have worked a minimum of 1,250 actual hours during the 12 months immediately preceding the start of the leave.

Effective January 1, 2027, the University will transition from a **rolling 12-month period measured backward** to a **12-month period measured forward** for determining FMLA leave entitlement.

What This Means

Current FMLA Calculation Method

The University currently administers FMLA leave using a **rolling 12-month period measured backward** from the date an employee uses FMLA leave. Under this approach, the amount of FMLA leave available is determined by looking back 12 months and subtracting any FMLA leave previously used during that period from the employee's 12-week entitlement. The remaining balance is the amount of FMLA leave available for use.

New Method Beginning January 1, 2027

Beginning January 1, 2027, the University will administer FMLA leave using a **12-month period measured forward** from the date an employee first uses FMLA leave for a qualifying reason. Under this method, the first day of FMLA leave establishes a fixed 12-month leave period during which the employee may use up to 12 workweeks of FMLA leave. Any FMLA leave taken during the period is deducted from the employee's available entitlement until the 12-month period ends. At the end of that 12-month period, a new entitlement period begins when the employee next uses FMLA leave. Up to 12 workweeks may be used during the new period. Unused FMLA balances from a prior 12-month fixed period will be forfeited. This new measurement period method does not impact any other type of leave.

Example

An employee begins FMLA leave on April 1, 2027. The employee's FMLA leave year will run from April 1, 2027, through March 31, 2028. During that period, the employee may use up to 12

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workweeks of FMLA leave for qualifying reasons. Beginning April 1, 2028, the employee may be eligible for FMLA leave if they satisfy the eligibility criteria, including 12 months of employment and at least 1,250 actual hours worked.

Why Is This Change Being Made?

This change is being implemented to align the University's leave administration practices with the **Delaware Department of Labor's Paid Family and Medical Leave (PFML) regulations**, which require employers to administer paid leave using a **forward-measured 12-month period**.

By adopting a forward-measured FMLA period, the University will align the administration of federal FMLA leave with Delaware's Paid Family and Medical Leave requirements, creating a more consistent and streamlined leave experience for employees and administrators.

Transition to the New Method

To support a smooth transition to the forward-measured 12-month period method, eligible employees *may* receive a 12-week FMLA entitlement effective January 1, 2027. Employees who are actively using approved FMLA leave as of January 1, 2027, will continue under the terms of their approved leave designation. The Leave Management Team will work directly with affected employees to ensure a seamless transition.

For additional information and Frequently Asked Questions (FAQ's), visit the [Time Away from Work](#) website. If you have questions about your FMLA options or how this change affects you, please contact the Leave Management Team at leavemanagement@udel.edu.