

FMLA Essentials for Managers

June 17, 2010

Presented by
Laurie S. Borman, Manager of Benefits
Joseph Schiavo, Benefits Specialist



An employee is sick and has 15 days of sick leave and will be out of work for two weeks. Should the employee request FMLA leave?

- ✓ 1. Yes
- 2. No



An employee has used 12 weeks of FMLA leave for her own serious health condition. Now she wants to take off another 8 weeks to take care of her seriously ill mother.

Can she take FMLA leave?



1. Yes

2. No



The Federal Family Medical Leave Act of 1993 as amended

Why is FMLA Good for Employees?

- Employees only have to pay the employee portion of medical/dental/vision benefits while on leave.
- Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.



General Provisions

CUA must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period;

- For the birth and care of the newborn child of the employee; or
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.
- If an employee requests leave, CUA looks back over the past 12 months to see what leave remains.



Eligible Employees

1,250 hours of service during 12 months of *employment*.

- Employment includes time off for other approved leaves of absence
- Allows up to a 7-year break in service, *except if*:
 1. Break was due to National Guard or Reserve service;
 2. An agreement existed of employer's intent to rehire.



Serious Health Condition

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care
- Continuing treatment by a healthcare provider, which includes:

1. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition.
2. Any period of incapacity related to pregnancy or for prenatal care.
3. Any period of incapacity or treatment for a chronic serious health condition requiring at least 2 visits to a health care provider per year.



Serious Health Condition- cont'd

The definition of “serious health condition” includes chronic conditions such as asthma, diabetes, and conditions requiring multiple treatments, such as chemotherapy or kidney dialysis.



Leave for Military Families

“Military Caregiver Leave” clarifications:

- Eligibility: regular Armed Forces, Guard & Reserve, including veterans who have left the service within the past 5 years.
- Entitled to up to a combined total of 26 workweeks of all types of FMLA leave in a single 12 month period.
- Leave is only available once per family member and per injury.



Leave for Military Families

“Qualifying Exigency Leave”

- Arises from fact that the employee’s spouse, son, daughter or parent is on active duty or has been notified of an impending call to active duty.
- Duty must be during the deployment to a foreign country.
- Eligible employees allowed to take up to 12 weeks of leave because of “any qualifying exigency.”



Substitution of Paid Leave

Under CUA's policy, an employee must substitute accrued paid leave for Federal FMLA leave, but the terms and conditions of CUA's paid leave policy must be followed for that substitution.



Leave Schedule

1. Full/Continuous Leave
 - Leave that is full-time/continuous
2. Reduced Schedule Leave
 - Schedule of leave that reduces the number of hours an employee works daily or
3. Intermittent Leave
 - Leave taken periodically and may be taken from less than an hour to days at a time
 - Time taken must be tracked by employee's manager



Fitness for Duty Certification

- CUA requires a fitness for duty certification prior to returning to work.
- Employers may now ask for fitness for duty certifications for intermittent leave if reasonable safety concerns exist.



Main Differences Between Federal FMLA and DC FMLA

- Employee must have been employed for at least one year without a break in service and worked at least 1000 hours during the twelve month period immediately preceding the leave.
- Employers must provide up to 16 weeks of medical leave AND 16 weeks of family leave to qualified employees every 24 months.
- The definition of family member is much broader than Federal FMLA. Basically, a person related by blood, legal custody or marriage.



Parental Leave

- DC FMLA requires employers to provide 24 hours of parental leave per year to allow employees to attend school related events.
- Employee must give 10 days' advance notice, unless such notice is impossible.



The FMLA Process

- 30 days notice is required for employee's seeking FMLA, when the request is foreseeable and such notice is practical.
- A "Request Form for FMLA" along with a medical certification (completed by healthcare provider) must be completed and submitted to Human Resources. Forms can be found at: <http://humanresources.cua.edu/forms>
- Within 5 business days of receipt of the forms the employee and employee's manager will be contacted in writing regarding eligibility.
- All health care provider information is confidential and must be submitted to Human Resources.



FMLA Process, continued

- An Employee Data Form (EDF) will be prepared and submitted by HR once leave begins.
- Working from home is prohibited unless approved by the health care provider. Notification of approval must be submitted to the HR. The benefits specialist remains the employee's direct contact while on leave.
- Periods of Long Term Disability and Worker's Compensation leave run concurrently with both Federal and District of Columbia Family and Medical Leave.



FMLA Process, continued

- Employee is required to use all available accrued paid leave for the first 12 weeks of FMLA.
- Sick time may only be used when the health care provider has certified that the individual has a serious health condition.
- If no accrued paid leave is available, the employee will be placed on unpaid FMLA leave status.
- The employee is approved to use up to 6 weeks of sick leave upon the birth of a child. Additional sick time may only be used if the physician has certified the individual as having a serious health condition.



Time Sheets / Leave Reports

- Specific time sheets to FMLA must be used. A copy will be provided to the employee and their manager.
- All time sheets must be submitted to Payroll (with a copy going to HR) within the same pay cycle of the employee's leave of absence. This means for exempt employees, timesheets must be submitted during a month when the employee is on leave.



Returning to Work

- The employee must submit a release from their health care provider to the benefits specialist before they may return to work.
- The benefits specialist will submit an EDF to update employee's payroll status.

Any questions regarding the Family Medical Leave Act (FMLA) should be directed to Joe Schiavo – (202) 319-4176 or Schiavo@cua.edu

