FAMILY AND MEDICAL LEAVE ACT (FMLA) OVERVIEW SESSION
The Family and Medical Leave Act (FMLA)

- What questions/concerns do you have about the FMLA process?

- As a group, write your questions on your flipchart
FAMILY AND MEDICAL LEAVE ACT (FMLA) A FEDERAL LAW
The Family and Medical Leave Act (FMLA)

- A federal law that is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for personal and family reasons

- Accommodates the legitimate interests of employers and minimizes the potential for employment discrimination on the basis of gender
To be eligible for FMLA, employees must

- have been employed 12 months

  AND

- have worked 1,250* hours over the previous 12 months

- 24+ hours/week for 52 weeks

- 104+ hours/month for 12 months

- 40 hours/week for 31.25 weeks

*Must be actual hours worked (does not include sick or vacation)
DESIGNATED LEAVE

An eligible employee may be granted FMLA leave for:

- Birth and care of the employee’s newborn child
- Adoption or foster care
- Care for an immediate family member with a serious health condition*
- The employee’s own serious health condition
- A qualifying military exigency
- Care for a covered service member with a serious injury or illness

*recently expanded to include parent-in-law and adult child w/o other care support
BIRTH AND CARE OF NEWBORN CHILD

- Includes periods of medical incapacity and “bonding”
- May be taken by both or either spouse*
- FMLA must conclude within one year of birth date

*When both spouses work for the same employer, a combined total of 12 weeks may be covered by FMLA
Can apply to Employee or Family Member: an illness, injury, impairment, or physical or mental condition that involves either:

- Any period of incapacity connected with inpatient care

OR

- Continuing treatment by a health care provider lasting more than three consecutive days and any subsequent treatment or period of incapacity
SERIOUS HEALTH CONDITION

- Spouse
- Child biological, adopted, foster child, stepchild or legal ward under 18 yrs old OR over 18 and incapable of self-care due to a physical or mental disability, or over 18 and without other care support
- Parent*
- Parent-in-law
- Same-sex domestic partner (to the extent the individual is otherwise defined by Emory’s benefits policy)

*In Loco Parentis
- Provided day-to-day care and financial support during childhood
- Does not require a legal or biological relationship
SERIOUS HEALTH CONDITION

- Pregnancy or prenatal care;
- A chronic serious health condition (e.g., asthma, diabetes) which may involve occasional episodes of incapacity;
- A permanent or long-term condition (e.g., Alzheimer’s, stroke, terminal cancer);
- Any absence to receive multiple treatments (e.g., chemotherapy, physical therapy).
Minor illnesses that do not qualify

- Common cold
- Ear aches
- Upset stomach
- Minor ulcers
- Headaches other than migraines
- Routine dental or orthodontia problems
Incapacity

- Inability to work, attend school or perform other regular daily activities due to:
  - Serious health condition
  - Treatment
  - Recovery
TREATMENT

- Examinations for serious health condition
- Evaluations of a serious health condition
- A course of prescription medication
- Therapy to resolve or alleviate the health condition
BENEFITS OF FMLA

- An employer must maintain group health insurance coverage for an employee.
- Upon return from FMLA leave, an employee must be restored to the employee’s original job, or to an equivalent job (pay, benefits, other terms of employment).
- Use of FMLA cannot result in the loss of any employment benefit that the employee earned before the leave.
- Cannot be counted against the employee as absences (in terms of performance).
UNLAWFUL ACTS

- It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA

- It is also unlawful to discharge, discriminate, or retaliate against any individual for participating in FMLA
Discipline may not be taken against staff for requesting/using FMLA, nor can an employee be terminated during or upon return from FMLA due to having been on FMLA.
OTHER CONSIDERATIONS

- FMLA does not interfere with nor protect the employee should he/she be part of a Reduction in Force
- Addressing performance issues upon return
Before an employee that was out due to their own serious medical condition may return to work, a provider’s release is required stating the employee can return to work ‘fit-for-duty’, with or without restrictions.
PAID LEAVE

- Sick Leave
- Vacation Leave
- Floating Holiday
- Short Term Disability* (Staff)
- Workers Compensation*

*Runs concurrently with FMLA
SICK LEAVE

- Sick Leave must be used first, then choice of:
  - Vacation
  - Floating Holiday
  - Leave w/o pay
  - STD – sick leave must be used to satisfy elimination period
FMLA ELECTRONIC SYSTEM

- Transparent
- Enhanced communication
- Tracks compliance
- Eliminates paper process
- Streamlined

FMLA leave requests are submitted through PeopleSoft, in the Self Service menu.
CS FMLA REQUEST PROCESS

Step 1:
- Employee Completes Electronic FMLA Request

Step 2:
- CS-HR Reviews Request to Determine FMLA Eligibility

Step 3:
- Central HR Determines FMLA Designation

Step 4:
- Leave Event Determines how FMLA will be taken

Step 5:
- Employee Returns from FMLA Leave
CS FMLA REQUEST PROCESS

**Step 1:**

- Employee Completes Electronic FMLA Request

Employee submits FMLA request at [https://apps.hr.emory.edu/FMLA/Data/request.jsp](https://apps.hr.emory.edu/FMLA/Data/request.jsp).

*If employee cannot submit request, supervisor should submit on behalf of employee.*

Leave system sends notification via e-mail to Employee, Supervisor and CS- HR.

Employee obtains medical certification documents within 15 days of request.

Employee requests doctor to complete medical certification and fax to Central HR at 404-712-5205.

**Note:** FMLA designation cannot be completed without medical certification from doctor.
CS FMLA REQUEST PROCESS

Step 1:
- Employee Completes Electronic FMLA Request

- Employee submits FMLA request at [https://appshr.emory.edu/FMLA/Data/request.jsp](https://appshr.emory.edu/FMLA/Data/request.jsp). If employee cannot submit request, the Supervisor should submit on behalf of employee.
- Leave system sends notification via e-mail to Employee, Supervisor and CS-HR
- Employee obtains medical certification documents within 15 days of request
- Employee requests doctor to complete medical certification and fax to Central HR at 404-712-5205.

Note: FMLA designation cannot be completed without medical certification from doctor.

Step 2:
- CS-HR Reviews Request to Determine FMLA Eligibility

To be eligible for FMLA, Employee must have:
- 12 months of service AND
- 1,250 hours in the preceding 12-month period AND
- serious health condition

- Supervisor provides CS-HR with employee leave accruals
- CS-HR enters employee leave accruals and completes eligibility or ineligibility notice
- Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor and CS-HR

Note: If employee is not eligible for FMLA leave, CS-HR discusses other available leave options with Employee and Supervisor.
CS FMLA REQUEST PROCESS

Step 1:
- Employee Completes Electronic FMLA Request
  - Employee submits FMLA request at https://applets.emory.edu/FMLA/Data/request.jsp.
  - If employee cannot submit request, the Supervisor should submit on behalf of employee.
  - Leave system sends notification via e-mail to Employee, Supervisor and CS-HR.

Step 2:
- CS-HR Reviews Request to Determine FMLA Eligibility
  - To be eligible for FMLA, Employee must have:
    - 12 months of service AND
    - 1,250 hours in the preceding 12-month period AND
    - Serious health condition
  - Supervisor provides CS-HR with employee leave accruals.
  - CS-HR enters employee leave accruals and completes eligibility or ineligibility notice.
  - Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor and CS-HR.

Note: If employee is not eligible for FMLA leave, CS-HR discusses other available leave options with Employee and Supervisor.

Step 3:
- Central HR Determines FMLA Designation
  - Central HR receives completed medical certification from Doctor via fax at 404-712-5259.
    - Note: FMLA designation cannot be completed without this form.
  - Central HR reviews medical certification to determine FMLA designation.
  - Central HR completes FMLA designation if medical condition meets requirement.
  - Leave system sends notification of FMLA designation via e-mail to Employee, Supervisor and CS-HR.

Note: If leave request is not designated as FMLA, CS-HR discusses other available leave options with Employee and Supervisor.
CS FMLA REQUEST PROCESS

**Step 1:**
- **Employee Completes Electronic FMLA Request**
  - Employee submits FMLA request at [https://apps.hr.emory.edu/FMLA/Data/request.jsp](https://apps.hr.emory.edu/FMLA/Data/request.jsp).
  - *If employee cannot submit request, the Supervisor should submit on behalf of employee.*
  - Leave system sends notification via e-mail to Employee, Supervisor and CS-HR.
  - Employee obtains medical certification documents within 15 days of request.
  - Employee requests doctor to complete medical certification and fax to Central HR at 404-712-5205.

**Step 2:**
- **CS-HR Reviews Request to Determine FMLA Eligibility**
  - To be eligible for FMLA, Employee must have:
    - 12 months of service AND
    - 1,250 hours in the preceding 12-month period AND
    - Serious health condition
  - Supervisor provides CS-HR with employee leave accruals.
  - CS-HR enters employee leave accruals and completes eligibility or ineligibility notice.
  - Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor and CS-HR.

**Step 3:**
- **Central HR Determines FMLA Designation**
  - Central HR receives completed medical certification from Doctor via fax at 404-712-5259.
    - Note: FMLA designation cannot be completed without this form.
    - Central HR reviews medical certification to determine FMLA designation.
    - Central HR completes FMLA designation, if medical condition meets requirement.
    - Leave system sends notification via e-mail to Employee, Supervisor and CS-HR.
  - Central HR does not complete designation of leave as FMLA if:
    - Condition does not meet FMLA requirements OR
    - Medical documents are not complete.
    - Leave system sends notification via e-mail to Employee, Supervisor and CS-HR.

**Step 4:**
- **Leave Event Determines how FMLA will be taken**
  - FMLA Law allows:
    - Up to 12 weeks of unpaid leave in a 12-month rolling period.
  - Leave Options:
    - Full-time leave for a continuous period or
    - Intermittent leave on a reduced leave schedule.
  - Central HR determines how to use paid time.
    - Employee determines how to use paid time (if applicable).
    - Employee informs Supervisor how paid time (if applicable) will be used and the intended dates for which leave will be needed.

**Note:** The way in which FMLA is taken (intermittent or continuous) will depend on medical certification provided by the employee’s health care provider.
CS FMLA REQUEST PROCESS

**Step 1:** Employee Completes Electronic FMLA Request
- Employee submits FMLA request at https://apps.hr.emory.edu/FMLA/Data/request.jsp
- If employee cannot submit request, the Supervisor should submit on behalf of employee

**Step 2:** CS-HR Reviews Request to Determine FMLA Eligibility
- To be eligible for FMLA, employee must have:
  - 12 months of service AND
  - 1,250 hours in the preceding 12-month period AND
  - Serious health condition
- Supervisor provides CS-HR with employee leave accruals
- CS-HR enters employee leave accruals and completes eligibility or ineligibility notice
- Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor, and CS-HR

**Step 3:** Central HR Determines FMLA Designation
- Central HR reviews completed medical certification from Doctor via fax at 404-712-5259
- Note: FMLA designation cannot be completed without this form
- Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor, and CS-HR
- CS-HR reviews medical certification to determine FMLA designation
- Central HR completes FMLA designation if medical condition meets requirement
- Leave system sends notification of FMLA eligibility via e-mail to Employee, Supervisor, and CS-HR
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**Step 4:** Leave Event Determines how FMLA will be taken
- FMLA Law allows:
  - Up to 12 weeks of unpaid leave in a 12-month rolling period
- Leave Options:
  - Full-time leave for a continuous period or
  - Intermittent leave on a reduced leave schedule
  - Employee determines how to use paid time (if applicable)
  - Employee informs Supervisor how paid time is taken (intermittent or continuous) will be used and the intended dates for which leave will be needed

**Step 5:** Employee Returns from FMLA Leave
- Employee notifies Supervisor and CS-HR
- Note: If FMLA leave was for employee’s own serious health condition, employee’s doctor must provide a signed “Release to Work” document (indicating with or without restrictions)
- If FMLA leave has expired, Department Leaders (Asst. Directors and above) must consult with CS-HR regarding employee’s position
- Employee or Supervisor must contact CS-HR on the date of employee return to confirm that the employee has actually returned to work
- Note: If FMLA leave was for employee’s own serious health condition, employee’s doctor must provide a signed “Release to Work” document (indicating with or without restrictions)
Employee Role & Expectations
- What is the Employee’s role?

Supervisor Role & Expectations
- What is the Supervisor’s role?
Questions/Comments