FAMILY AND MEDICAL LEAVE ACT (FMLA) OVERVIEW SESSION
FMLA QUESTIONS

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)
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
SERIOUS HEALTH CONDITION

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 (eg: asthma, diabetes) which may involve occasional episodes of incapacity;
- A permanent or long-term condition (eg: Alzheimer’s, stroke, terminal cancer);
- Any absence to receive multiple treatments (eg: 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 with or without restrictions.
PAID LEAVE

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

*Runs concurrently with FMLA
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 through Self Service http://hrcc.emory.edu.
*If employee cannot submit request, the Supervisor should submit on behalf of employee.

Leave system sends notification via email 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 404-712-5259.

Note: FMLA designation cannot be completed without medical certification from doctor.
Step 1:
- Employee Completes Electronic FMLA Request

Employee submits FMLA request through Self-Service http://leo.cc.emory.edu/
*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 404-712-5259

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 through Self Service [http://lgo.cm.emory.edu](http://lgo.cm.emory.edu).
  - *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 404-712-5259

  **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 inadequacy 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

  **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 through Self-Service
    [http://leo.cc.emory.edu/](http://leo.cc.emory.edu/).
  - *Note:* 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 404-712-5259.

  - *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.

**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.

**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 (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

**Family Medical Leave Act (FMLA) Request Process**

**Step 1:**
- **Employee** Completes Electronic FMLA Request
  - Employee submits FMLA request through Self-Service [link](http://leo.cc.emory.edu/).
  - *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

**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

**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
    - Intermittent leave on a reduced leave schedule
  - Employee determines how to use paid time (if applicable)
  - Central HR does not complete designation of leave as FMLA:
    - condition does not meet FMLA requirements OR
    - medical documents are not complete

**Step 5:**
- **Employee** Returns from FMLA Leave
  - Employee notifies Supervisor and CS-HR of:
    - Actual return date once medical release is obtained
  - Leave Options:
    - Full-time leave for a continuous period
    - Intermittent leave on a reduced leave schedule
  - Employee informs Supervisor how paid time (if applicable) will be used and the intended dates for which leave will be needed.

**Notes:**
- 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).
ROLES & EXPECTATIONS

- **Employee Role & Expectations**
  - What is the Employee’s role?

- **Supervisor Role & Expectations**
  - What is the Supervisor’s role?