



EMORY
UNIVERSITY

Campus Services
Division of Business and Administration

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





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FAMILY AND MEDICAL LEAVE ACT (FMLA) A FEDERAL LAW





FAMILY AND MEDICAL LEAVE ACT (1993)

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



ELIGIBILITY

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



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)



NOT A SERIOUS HEALTH CONDITION

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





UNLAWFUL ACTS

- 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



RETURN TO WORK

- 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



KEEP
CALM
AND
RETURN TO
WORK!



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>.

*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.



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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

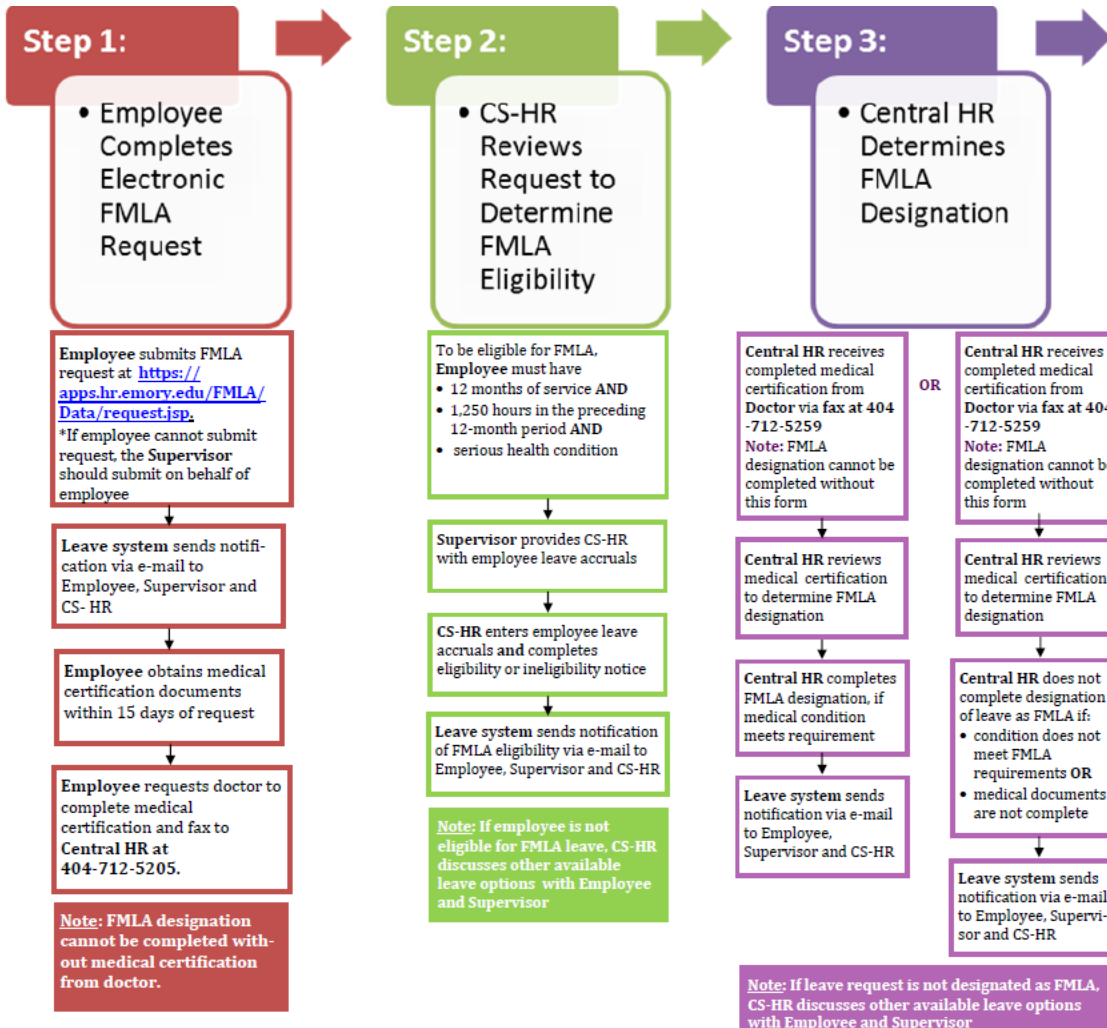
CS-HR enters employee leave accruals and completes eligibility or ineligibility notice

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

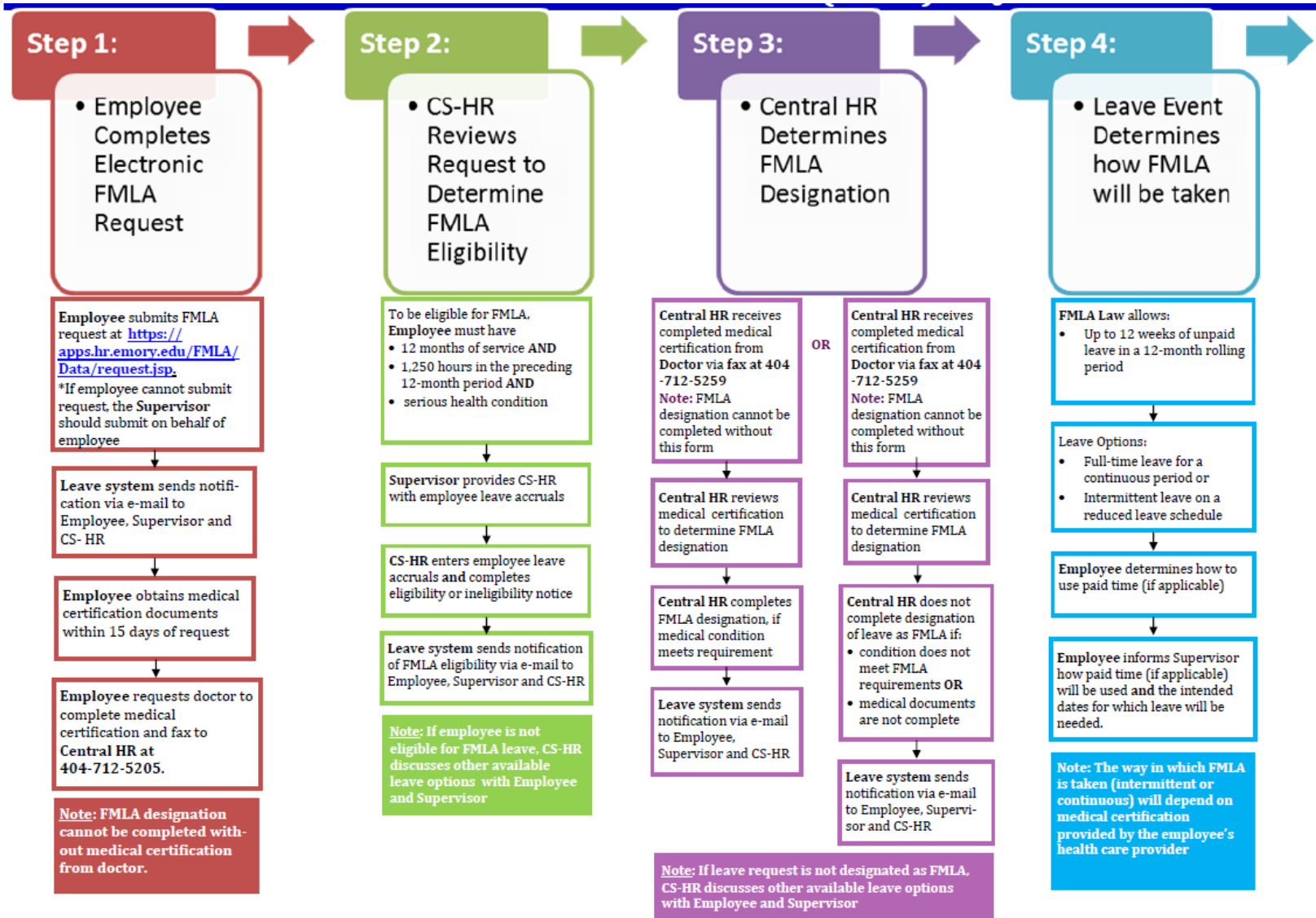


CS FMLA REQUEST PROCESS



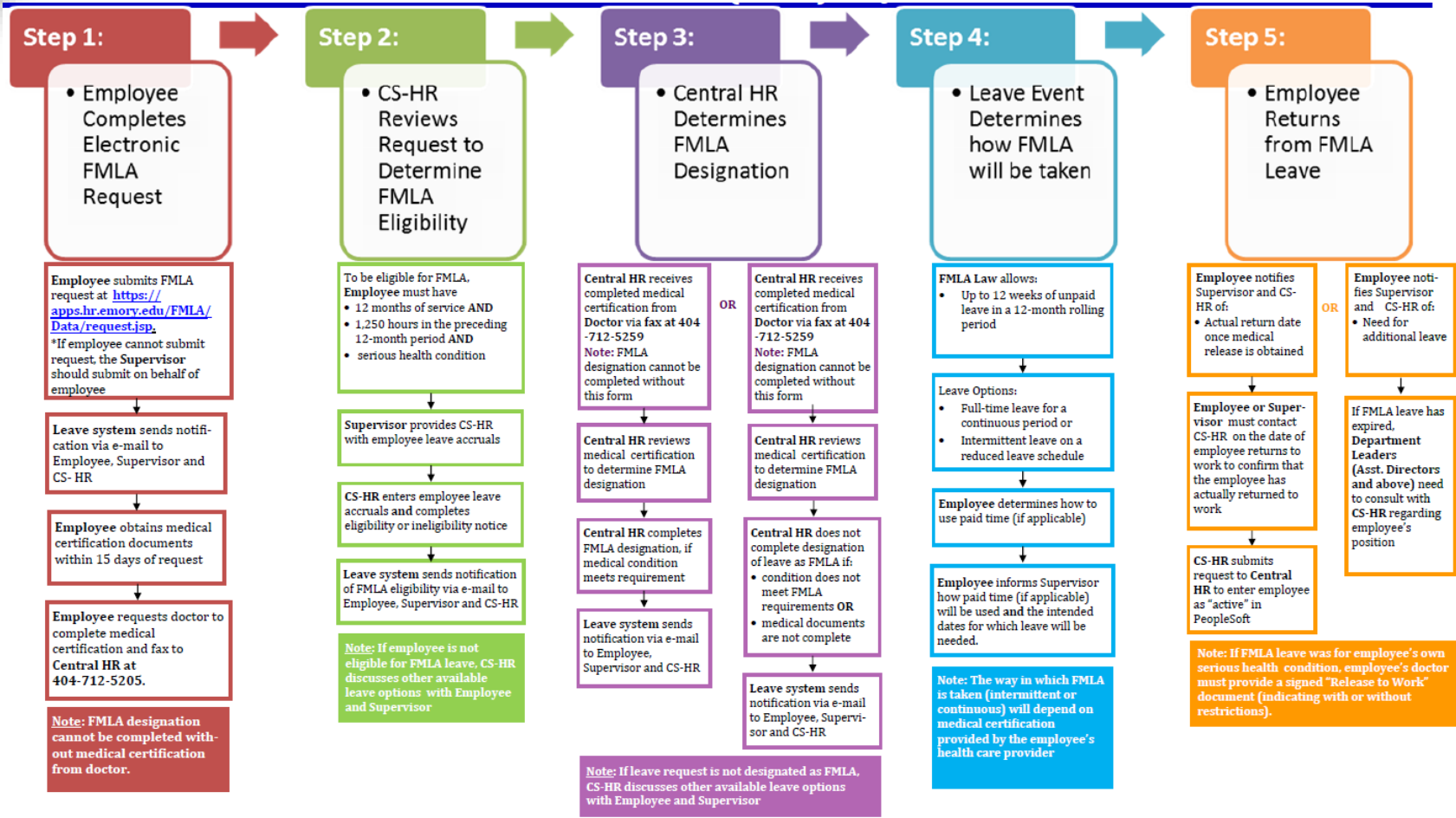


CS FMLA REQUEST PROCESS





CS FMLA REQUEST PROCESS





ROLES & EXPECTATIONS

- Employee Role & Expectations
 - What is the Employee's role?

- Supervisor Role & Expectations
 - What is the Supervisor's role?



QUESTIONS / COMMENTS

