Objectives

Understand what the FMLA is
Understand what makes a leave an FMLA leave
Understand what the FMLA does
Know who to contact and when
Answer your Questions
The FMLA - BASICS

What is it?
The Family and Medical Leave Act of 1993
It is a federal law

What does it do?
It provides *eligible* employees up to 12 weeks of unpaid job-protected leave *entitlement* in a 12-month period for specific *qualifying leave reasons*
Three Elements of FMLA

Eligibility

“Who”

Entitlement

“What & When”

Qualifying Leave Reasons

“Why”
ELIGIBILITY – “Who”

An employee is eligible for FMLA leave if:

1. They have been employed by Wayne State University for at least 12 months
   - “On the payroll”
   - 12 months need not be consecutive, but must be within the last 7 years

**AND**

2. They have worked at least 1250 hours in the 12 months immediately preceding the leave
   - Actual hours worked
ENTITLEMENT – “What and When”

What does an eligible employee get?
• 12 workweeks of unpaid, job protected leave

Can an eligible employee get more than 12 weeks?
• Yes, but only for a specific type of leave
• Military Caregiver Leave – could get up to 26 weeks (capped at 26 weeks for Military Caregiver and all other FMLA leave types)
ENTITLEMENT – “What and When”

When does a Wayne State University employee get the 12 weeks of leave?

When they become eligible (12 months and 1250 hours)

Entitlement is earned back on the anniversary date of when the time was used in the previous year.
ENTITLEMENT – “What and When”

The FMLA leave can be certified to be taken in three different frequencies:

› Continuous (missing every day of work).
› Reduced schedule (pre-arranged schedule for days and hours to be missed).
› Intermittent (sporadic or episodic absences).
ENTITLEMENT – “What and When”

Does FMLA leave need to be taken all at once?
• No. It can be taken in parts and intermittently.

Intermittent and reduced schedule:
• Only when “medically required."
• Employees must make “reasonable efforts” not to “unduly disrupt” Wayne State University’s operations in scheduling the time.
• Employers do not have to offer for birth, adoption or foster care.
QUALIFYING LEAVE REASONS – “Why”

Qualifying Leave Reasons:

• For the birth of a child.

• For the placement of a child through adoption or foster care.

• For one’s own serious health condition.

• For the serious health condition of the employee’s child, spouse, or parent.

• And . . .
“Qualifying Exigency”
• Eligible employees are entitled to 12 weeks of leave for any “qualifying exigency” arising out of the fact that the spouse, son, daughter or parent of employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces during active duty service in a foreign country.
• Available to family members of active duty military (not just National Guard and Reserves).

Military Caregiver
• Eligible Employee is entitled to 26 weeks in a single 12-month period, measured forward, if the employee is spouse, son, daughter, parent or next of kin of a covered service member who is undergoing medical treatment, recuperation, or therapy, is otherwise on the temporary disability retired list, for a serious injury or illness.
• Available to relatives of veterans (not just current Armed Forces)
What is a “Serious Health Condition”?

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
• Any period of incapacity or treatment connected with inpatient care;
• A period of incapacity requiring absence of more than three calendar days and involves continuing treatment by (or under the supervision of) a health care provider;
• Any period of incapacity due to pregnancy, or for prenatal care;
• Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
• A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.);
• Any absences to receive multiple treatments (including any period of recovery therefrom) for a condition that likely would result in incapacity of more than three consecutive days if left untreated.
Maternity & Parental Leaves

Maternity Leave

Leave an eligible female employee may take prior to the date of delivery for bed-rest, prenatal appointments and any medical necessity related to pregnancy or child birth.

› Bed Rest: Leave prior to delivery date due to a medical condition or high-risk pregnancy.
› Pre-Natal Treatments: Leave prior to the delivery date for appointments with a healthcare provider that follow a standard prenatal treatment schedule.

Leave an eligible female employee may take after the date of delivery. This leave is typically 6-8 weeks, depending on the type of delivery, for a standard pregnancy.

› Natural Delivery: 6 weeks out of work
› Caesarean Delivery: 8 weeks out of work
Maternity & Parental Leaves

Parental Leave (aka Bonding leave)

Leave taken after the birth of a child for a parent to bond with his/her child. This leave is not for a medical condition.

For mothers of a newborn child, this leave is typically 4-6 weeks, depending on the type of delivery and whether the employee opts to take, and is eligible for, their entire 12-weeks of FMLA entitlement.

› Caesarean Delivery: 4 weeks out of work
› Natural Delivery: 6 weeks out of work

Fathers of a newborn child who are eligible for FMLA and have their full FMLA entitlement may take up to 12 weeks of leave to bond with the child.

Parental leave for mothers and fathers must be taken within one (1) year of the birth of the child.
Spousal Combined Leave

Spouses who are both employed by Wayne State University are limited to a combined total of 12 workweeks of leave for the following reasons:

• The birth and care of a child;

• The placement of a child for adoption or foster care, and to care for the newly placed child.

Example:

• Husband and wife are both eligible and both have 12 weeks of leave

• Wife has baby and takes 6 weeks for the birth and recovery. She then takes 6 weeks to bond with the child – thus using her full 12 weeks of leave.

• Husband may only take 6 weeks to bond with the child, even though he has a full 12 weeks of leave available.
Certification of FMLA Leave

In order to get an FMLA leave approved, employees are required to have their need for leave certified by an appropriate healthcare provider.

What is an appropriate Healthcare Provider?

› Examples: a doctor, dentist, optometrist, podiatrist, clinical psychologist, chiropractors (in some cases) or licensed mid-wife.
› Nurse practitioners, nurse-midwives, clinical social workers, authorized physician assistants (but not R.N.s).
› Anyone recognized under Wayne State University’s group health plan.

How long does the employee have to submit certification?

› 15 days.
Second and Third Opinions

Wayne State University may, at its own expense, require the employee to obtain a second medical certification from a health care provider.

• Wayne State may choose the health care provider for the second opinion, except that in most cases it may not regularly contract with or otherwise regularly use the services of the health care provider.

• If the opinions of the employee's and Wayne State's designated health care providers differ, Wayne State may require the employee to obtain certification from a third health care provider, again at Wayne State's expense.

• The third opinion shall be final and binding. The third health care provider must be approved jointly by Wayne State and the employee.
What Do Employees Care About?

If you were taking a leave of absence, what kinds of things would you be concerned about?

- What happens to my job? (Job protection)
- What happens to my pay? (Income replacement)
- What happens to my benefits? (Benefit continuation)
Job Protection

Upon return from FMLA leave, employees must be returned to the same job or an equivalent job.

For intermittent leaves, employees can be temporarily transferred to an alternative job.
Income Replacement

FMLA provides “unpaid leave”

Can be supplemented by:
  › PTO (vacation, sick pay)
  › STD (often = 26 weeks)
Benefit Continuation

Under the FMLA, employers must maintain the employee’s coverage under any group health plan while the employee is on FMLA leave.

The employer does not have to pay employee contributions.

There is no qualifying period when employee returns.
Submitting a Leave Request

Employees may submit a request for FMLA leave via any of the following methods:

› Phone: 1-877-GO2-FMLA (1-877-462-3652)
› Online: www.FMLASource.com
› Email: FMLACenter@FMLASource.com
› Fax: 1.877.309.0218
› Smartphone App – “FMLASource Now” (available on Apple and Android devices)

FMLASource’s customer service representatives are also available to answer any questions you have regarding the FMLA or your leave needs at 1-877-462-3652.
Thank you for your time and attention.

Questions?