



FMLA ROLES & RESPONSIBILITIES

Human Resource Consultant

The HRC will be responsible for the following general tasks:

- Partner with University S/C/D to ensure compliance with University policies, procedures, practices and contractual agreements (in conjunction with Labor Relations for represented, non-academic employees and Academic Personnel for represented, academic employees) in addition to state and federal employment laws.
- Supports clients with FMLA leave administration (in partnership with FMLASource) by:
 - Providing employees with information regarding FMLASource, brochures, direct employees to HR website, and/or FMLASource website
 - Advising employee to file for FMLA when receiving notice sufficient to indicate employee need for FMLA-qualifying leave (3 day unscheduled absence or communication indicating potentially qualifying reason). Required certification should be sent to FMLASource (FMLASource maintains all Employee FMLA medical files.)
 - Assisting clients with intermittent and reduced schedule type leaves. Note: Employer cannot request exam and must work with FMLASource to resolve issues and/or request recertification.
 - Consulting with Managers who identify abuse of leave.
- Assist units with tracking process for intermittent leave usage (appointments/treatments and episodes) by:
 - Confirming whether leave is for appointment/treatment or episodic
 - Notifying FMLASource of additional call-ins (taking paid time off before/after leave, manager authorizations)
- Work with Managers in identifying when recertification is needed such as when:
 - Changing intermittent leave to continuous
 - Absence is inconsistent with Decision Letter/beyond scope of leave
 - Extension of FMLA is requested (i.e. when a change in health occurs)
- Manage absences through an intermittent trends analysis by reviewing FMLASource reports to identify employees with patterns, change in frequency or duration; compare to medical certification and to determine if a re-certification is warranted.
- Review FMLA appeals and retroactive FMLA claims responding to appeals as they arise (FMLASource will email and coordinate with HRC and employee returning to work with restrictions. This info is provided to employee when leave is approved.)
- Schedule second medical opinion when medical certificate is doubtful and before the initial decision on a claim is made.
 - Review FMLA claims filed for Employee on same dates as suspension start as a possible attempt to avoid discipline. Discuss with FMLASource.
 - Discipline concerns are separate from approved leave and handled upon the Employee's return.
- Third medical opinions are also scheduled by HRCs when the Employee and designated health care provider have a difference of opinion.

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- Contact the appropriate third party (such as MedSource) to schedule an appointment with an examining specialist (a notification is sent to the Employee by the third party). The third opinion must be approved jointly by WSU and the Employee.
 - Send a letter to the Employee and provide the examining specialist with Employee medical information and specific questions that need an answer.
 - Notify BAO with requests for Employee to return to work with restrictions and contact the Office of Equal Opportunity, as needed to confirm accommodations.
 - Notify BAO with Employee eligibility for leave of absence.
 - Refer to Request for Leave and FMLASource Weekly Status Reports (New requests, New Decision and Open Leaves) and contact FMLASource with questions.
 - Review Employee information regarding leave of absence, short term disability, continuation of benefits (in partnership with Total Compensation & Wellness, TCW). To verify continuous leave hours, contact TCW (to do bank run-out for consecutive leaves) and leave / benefit questions.
 - Initiate Peer-to-Peer Review to formulate questions for Peer Review for FMLASource to address concerns about validity of certifications.
 - Verify Return to Work (RTW) documentation working with Unit and Labor Relations as needed for restrictions (Employee is required to provide a return to work note)

The HRC will notify the FMLASource team when:

- Employee absence is inconsistent with the information provided in “Designation Notice”

Total Compensation & Wellness (TCW)

- Verify eligibility (years of service, hours worked) as needed per email request from FMLASource
- Process bank run outs based upon Daily Report
- Review Ineligible Denial Report to confirm eligibility (per Dailey Report)
- Refer to and apply provisions of various contractual agreements related to leave of absence
 - Short term disability
 - One year leave of absence
- Send notifications to employees related to leave of absence
- Monitor leaves of absence for return to work
- Schedule return to work exams per collective bargaining agreement
- Coordinate with S/C/Ds to resolve pay/timesheet coding issues
- Notify departments of need to initiate terminations for long term disability approval and failure to return from leave

FMLASource

- Administer FMLA in accordance with FMLA of 1993 and WSU's FMLA Leave Policy and/or Any Applicable CBA
- Review employee initial certification information
- Manage the FMLA leave in accordance with the parameters outlined in the "Designation Notice"
- When recertification is requested, FMLASource will provide the employee's health care provider with patterns and frequency of absences and inconsistencies with the certification form.
- Notify risk management when employee alleges injury on the job
- The FMLASource team will provide the following services for Business Managers:
- For staff planning purposes, FMLASource will immediately e-mail the applicable business manager or designated person when employee makes a request and/or submits a completed FMLA form
- Provide business manager with written "Designation Notice" (decision) for FMLA leave within five (5) business days of receiving complete and sufficient certification, absent extenuating circumstances
- The FMLASource team will provide the following services for employees requesting FMLA
- Provide employee with "Notice of Eligibility and Rights and Responsibility within five (5) business days after employee requests FMLA leave
- Provide employee with written "Designation Notice" (decision) for FMLA leave within five (5) business days of receiving complete and sufficient certification, absent extenuating circumstances
- Notify employee of incomplete or insufficient certification
- Request employee recertification when employee absences are inconsistent with "Designation Notice"
- Request employee annual medical certification when their leave request lasts beyond a single year
- The FMLASource team will provide the following services for Employment Services Center (ESC)
- Provide information regarding retroactive FMLA leave request
- Ascertain reason for filing retroactive claim from employee (retroactive FMLA leave requires ESC approval)
- Provide Second Opinion Recommendation if there is reason to doubt the validity of medical certification
- Provide Third Opinion Recommendation if the employee and employer designated health care provider have difference of opinion
- FMLASource also provides reports on Weekly Leave Information, Business Managers Online Individual Leave Information and On-Demand Report Requests.

WSU Managers

Notify FMLASource team when:

- Receive notice sufficient to indicate an employee's need for FMLA-Qualifying Leave
- Employee absence is inconsistent with the information provided in "Designation Notice"

Notify HRC when:

- Employee absence is inconsistent with the information provided in the Designation Notice or if a pattern of absence is observed.

With regards to the Employee, the Manager/Supervisor will:

- Refer Employee to FMLASource when there's an indication of a need for FMLA leave
- Inform employee of unit or department's usual and customary practice for calling in "sick"

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- Verify employee timesheet is accurately coded in accordance with the information provided in "Designation Notice" (capability to view employee FMLA approval information on-line at www.fmlasource.com)
 - Return an employee who takes FMLA leave to the same or an equivalent position with the same benefits and terms of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave
 - Forward all doctor's notes submitted by employee to ESC (i.e. Medical verification and Return to Work (RTW) notes)
 - Review and process leaves of absence requests in accordance with CBA and/or non-rep manual
 - Code and approve Employee timesheet

WSU Employees

- Notify manager or supervisor, or designated person in the unit of the need for FMLA leave in accordance with their unit or department's usual and customary practice using the following guidelines.
An employee calling in "sick" is not sufficient notice of the need for FMLA leave. If it is necessary to have more information, WSU will be expected to inquire further of the employee.
- Employee need not share specific personal information (diagnosed illness/injury).
- An Employee has a duty to reply to WSU's questions so WSU can determine whether an absence is potentially FMLA-qualifying.
- Alternatively, the Employee can sign a Medical Release so that FMLASource can obtain the necessary information directly from the applicant's health care provider.
- Employee should provide at least 30 days advanced notice before leave is to begin for foreseeable leave. For unforeseeable leave, notice must be given as soon as practical.
- Employee must submit complete and sufficient medical certification to FMLASource within 15 business days after request is made by FMLASource
 - Employee has seven (7) days to correct any deficiency if the medical certification is submitted is incomplete.
 - If deficiency is not corrected and resubmitted in seven (7) calendar days the employee may be denied the FMLA leave.
- When appropriate, provide FMLASource 'fitness for duty' certification before returning to work from FMLA leave.
- When employee is planning on medical treatment they must consult with Manager/Supervisor or designated person and make a reasonable effort to schedule the treatment so as not to unduly disrupt operations.
- Employees are required to notify FMLASource and their Manager/Supervisor at the beginning of any FMLA leave and for any extensions.