

2016 BRINGING ADMINISTRATORS TOGETHER CONFERENCE

The Bermuda Triangle of Leaves: Family and Medical Leave

April 14, 2016

1:30pm – 2:30pm

UIC UNIVERSITY OF ILLINOIS
AT CHICAGO

UIC

Lincoln Hall

707 South Morgan Street

Workshop Presenters

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Please ...

- Turn off cell phones
- Avoid side conversations
- Please hold questions until the end
- Sign the attendance roster
- Complete the evaluation at the end of the workshop

Workshop Objectives

- Role of unit/college HR representative, supervisor and the employee:
 - Family and Medical Leave (FML)
 - Shared Benefits
 - SURS Disability
- Understanding University policy and procedure of the federal guideline
- Managing FML within unit operations

Family and Medical Leave (FML)

- FML = Federal right
 - Take leave under certain circumstances
 - Protected leave – no negative employment actions due to absence under FML
 - Maintain active employee status and health benefits
 - Return to the same or equivalent position

FML Circumstances

- Serious health condition
 - Self
 - Family member
 - Spouse, parent, child
 - Birth/Adoption
 - Military
 - Qualifying exigency
 - Care of a covered service member }
- 12 week entitlement
- 26 week entitlement

Basics of FML

- Which employees qualify for FML?
 - Employed for at least one year
 - 1250 hours of work in the past 12 months
 - Need for leave due to medical reasons or qualifying exigency
- How does an employee ask for FML?
 - If in doubt, assume that FML might apply to the leave request for an employee or family member who may be sick.

FML: Paid or Unpaid?

- FMLA states leave is without pay
- University policy allows:
 - Paid leave to be used in accordance with leave policy
 - Sick, vacation, and/or floating holiday
 - Paid or unpaid, time off will be counted towards FML entitlement
- Employee's choice of paid or unpaid

TYPES OF LEAVE AVAILABLE

- Block of time
 - Employee is on leave 100% time
- Intermittent
 - Increments of leave (minutes, hours, or days at a time)
 - If for planned medical treatment, employee must cooperate with manager to schedule time off to avoid undue disruption to operations
- Reduced Schedule
 - If for planned medical treatment, employee must cooperate with manager to schedule time off to avoid undue disruption to operations
 - May reassign employee to position that better accommodates reduced schedule (Same pay, benefits)

Roles - Who handles FML?

- Employee
- Unit/College HR representative
- Manager/Supervisor

Employee Role

- Notify department regarding need for leave
- Must follow department's established call-in /time-off notification procedures
- Initiate request for leave as soon as need is known
- Complete paperwork
- Provide required documentation
- Take leave in accordance with approval
- Work with department to schedule known absences
- Returns from leave as per medical certification (if applicable)

Manager/Supervisor Role

- Be alert to employee communications
 - Absent due to illness for 3 or more calendar days
 - Frequent absences due to health condition (self or family member)
- Refer every potential FML situation to unit/college HR representative IMMEDIATELY
- Do NOT accept FML documentation/medical forms from employee (per Law)
- Track leave taken and increments of time used:
 - Exempt employee: 15 minute increments
 - Non-exempt employee: 6 minute increments
- Monitor/supervise employee's compliance with scope of leave that's authorized
- Inform unit/college HR representative of concerns about employee's compliance
- Upon end of leave, work with unit/college HR representative to restore employee to original or equivalent position (if applicable)

Unit/College HR Representative Role

- Provide and receive FML forms and medical certifications
- Review administrative and medical eligibility
- Request further information or clarification regarding medical certification (if needed)
- Approve/deny leave
 - Must respond to FML request within 5 business days (per Law)
- Provide written notice of leave status
 - FML entitlement
 - responsibilities of employee and manager/supervisor
- Remain in communication during leave
- Administer system processing of leave (i.e. BANNER, HR Front End)
- Handle recertification of FML
- Maintain secure confidential employee leave files

Apparent or Suspected Abuse

Supervisor/manager

- Patterns of absences
- Failure to provide notice of absence
- Tardiness claimed as FML
- FML scheduling during “crunch time” repeatedly
- Frequent absences on particular day(s) of a week/month

Unit/college HR Representative

- Avoid abuse by reviewing medical certification for completeness and obtain clarification prior to approval of leave
- Suspected abuse should only be communicated by supervisor to unit/college HR representative
- May NOT request proof of need for leave for individual FML absence
- Request recertification of FML

FML Tips

• **Manager/Supervisor DO**

- Understand basics of FML
- Be alert to employee communications (i.e. out sick, child is sick)
- Meet/discuss parameters of FML approval with employee:
 - No medical information is shared
 - Potential need for leave and frequency
 - Call-in/time off procedures
- Discuss scheduling time off so as not to disrupt operations (if possible)
- Track leave – document FML absences
- Work with unit/college HR representative

• **Manager/Supervisor DO NOT**

- Diagnose the employee
- Review medical documentation
- Contact healthcare provider
- Question employee about health condition or that of family member
- Request a medical note or proof of FML absence
- Disclose employee's FML status to others
- Request the employee perform any type of service or work during FML absence

Shared Benefits

- Pool established to provide eligible employees who have exhausted all accumulated sick leave and, if applicable, vacation leave with the opportunity to receive additional leave days when a SURS disability claim is pending
- Employee must have a cumulative balance of at least 11 days of leave in order to donate to pool
- Donation is done via NESSIE
- Academic staff who do not have a disability claim pending may apply for Shared Benefits if experiencing a catastrophic injury or illness
- To withdraw from the pool, employee completes “Request for Withdrawal” application and submits to UIC HR for consideration. Form is available in NESSIE
- If approved, department will be contacted with instructions for documenting “Shared Benefits” for specific hours/days and duration

SURS Disability Leave

- Employees who have been employed / participating in SURS for at least two years or become disabled due to an accident
- Absent from work for an extended period of time and unable to perform duties of assigned position
- Must be off work for a period exceeding 60 days in order for SURS to consider the disability benefit request
- Exhaust all accrued sick benefits.
 - Use of vacation time to remain in pay status during the 60 day waiting period is the employee's discretion
- Applications are available through UIC HR
- Entire application packet (original) must be submitted to UIC HR. Completed packet will be sent to SURS for review

SURS Disability Leave (continued)

- During 60 day waiting period it is imperative that the unit exhaust ***ALL*** accrued sick benefits continuously and confirm if employee requested to use vacation benefits
- Once all benefit time has been exhausted, the employee should not be paid

DO NOT PAY EMPLOYEE

- Upon approval/denial of Disability, UIC HR will notify unit/college HR representative regarding the status
- The time that an employee is on disability automatically counts towards the 12-week Family and Medical Leave entitlement for eligible employees
- At the end of the Disability leave, the employee must be medically cleared prior to returning to work

Scenarios

Scenario 1

Ken is out for a full week with strep throat. He went to the doctor and got a prescription for an antibiotic.

Is this a serious health condition covered by FML?

Scenario 2

Sally's daughter has migraines which are sometimes so serious she has to stay home with her and which require frequent physician appointments.

Are these frequent absences covered by FML?

Scenario 3

Janet needs FML. Janet brings her application and medical certification form, which has been completed by her doctor, to her boss, Victoria.

Is this the correct process?

Scenario 4

Mike had a baby 6 months ago. He took 12 weeks of leave at that time. Now Mike needs to have an unrelated surgery for himself.

Can Mike use more FML time to cover the 1.5 weeks needed for the surgery?

Scenario 5

Yolanda received a request for FML from Josh for a block of time. Josh is an academic professional currently on a terminal contract. His terminal contract ends in 3 months.

Is he eligible for FML?

Summary

- Maintain clear and efficient communication with the employee, unit/college HR representative, supervisor
- Be alert to key phrases when an employee is absent
- Track time off
- Employee must request to use accrued benefit time when he/she is off of work
- Once an employee exhausts benefit time, the employee is placed into **no pay status**
DO NOT PAY the employee any benefit time or holiday pay
- If an employee is on leave due to a his/her own serious health condition, he/she must be medically cleared prior to returning to work
- Suspected FML abuse should be addressed sooner than later
- Provide SURS Disability and Shared Benefits information to employees
 - Especially for those on block of time leaves for 6 or more weeks

Questions / Concerns?