

INTERNAL PROCESS MANUAL

SUBJECT: Family and Medical Leave

APPROVAL: _____

PURPOSE: To identify procedures for protected leaves of absence under federal and state family- and medical-leave entitlements, for employees of the Department of Administrative Services.

RELEVANT POLICY: HRSD Statewide Policy 60.000.15, Family and Medical Leave:
<http://oregon.gov/DAS/HR/docs/advice/P6000015.pdf>
SEIU Contract Article 56, Section 9

RELATED FORMS: Current forms related to family or medical leave requests appear on the following Web page: http://oregon.gov/DAS/OP/ES2/FMLA_OFLA.shtml.

DEFINITIONS: **DPC** – Division Personnel Contact

FMLA – Leave granted under the Federal Family and Medical Leave Act

OFLA – Leave granted under the Oregon Family Leave Act

Family and Medical Leave – Protected time off from work that an employee takes under provisions of state and federal law for their own serious health condition, the serious health condition of a family member, for parental leave, for sick child leave, and for an injured or ill military service member.

Designating leave as FMLA or OFLA is **not optional** if the conditions for which the employee requests leave meet eligibility requirements.

Rolling back 12 months – a backward look on the calendar for one year from the first day of the requested leave to determine if the employee is eligible for FMLA or OFLA leave and how much leave the employee is entitled to use.

Also see HRSD Policies 10.000.01 and 60.000.15, and OAR 105-010-0000 for related definitions.

PROCEDURES:

Step **Responsible Party** **Action**

1. Employee Notify supervisor, manager, or Employee Services, verbally or in writing, up to 30 days in advance for a planned absence due to:
 - Serious or chronic health condition of:
 - Employee
 - Employee's qualifying family member (spouse, child, parent,

Internal Operations Manual

Family and Medical Leave

PROC-04-020

injured or ill military service member, and in the case of OFLA, parent-in-law, grandparent or grandchild, same sex domestic partner, parent of same sex domestic partner)

- Pregnancy, birth of child, or adoption
- Parental leave; child with illness or injury requiring at-home care
- Injured military service member family leave

Exception: In the event of a medical emergency or other unforeseeable event, a person designated by the employee can verbally notify the supervisor or manager. The employee must also notify the supervisor or manager as soon as possible.

2. Supervisor/Manager Provide employee's notice verbally or in writing to Employee Services.
3. Supervisor/Manager Contact any absent employee who has not requested leave to determine if leave may qualify as an event under FMLA or OFLA. Request that Employee Services determine eligibility.
4. Employee Services Receive notice from employee, supervisor or manager of the possible need for leave that may qualify for FMLA or OFLA.

Send employee a Family and Medical Leave Request form, Health Care Provider Certification form, and the DAS FMLA and OFLA Information Packet.

Request that Payroll Services update tracking logs to show the employee's regular hours worked and whether he or she has taken any FMLA or OFLA leave during the past 12 months.

5. Payroll Services Maintain tracking logs for a rolling 12-month period showing regular hours worked, FMLA and OFLA leave taken, and related information. Provide tracking logs to Employee Services upon request.
6. Employee Submit to Employee Services a completed and signed Family and Medical Leave Request form and Health Care Provider's Certification form.

If the Health Care Provider's Certification form is not available when the employee submits the leave request, it must be provided within 15 days of a request by Employee Services.
7. Employee Services Determine the eligibility of the request and the applicable leave designation — FMLA or OFLA.

Denied leaves: If the request for FMLA or OFLA leave is denied, contact the employee, supervisor or manager, and Payroll Services, and file the denial with the employee's original request form.

Approved leaves: Notify the employee, supervisor or manager, DPC, and Payroll Services of the hours and type of leave (intermittent or full-time).

Coordinate with Payroll Services to document leave and payroll records. Place the following documents in the Employee Medical File, according to the Americans with Disabilities Act:

Internal Operations Manual

Family and Medical Leave

PROC-04-020

- FMLA Leave Request form for employee or employee's family member
- Records related to medical certifications or medical history of employee or employee's family members
- Dates of leaves of absence

Coordinate with the DAS Safety and Risk Manager when circumstances relate to a workers' compensation claim. Only FMLA applies for an accepted or pending time-loss claim for workers' compensation.

8. Manager/DPC **Submit personnel action (PA) to Employee Services if the employee is on "Leave Without Pay" (LWOP) status.**
9. Employee/Manager/DPC/Payroll Services Update the employee's timesheet to record FMLA or OFLA leave using the leave-codes provided in Employee Services' approval letter or information packet. If the employee cannot enter his or her own time, the manager, DPC, or Payroll Services must coordinate maintenance of the timesheet.
10. Payroll Services Audit and track timesheets to ensure the appropriate use of accrued leave and payroll codes. Notify Employee Services, supervisor or manager, and the employee when leaves are exhausted. Monitor for overpayment.
- Notify employee of relevant information such as self-pay of optional insurances and benefits, disability eligibility, and COBRA. Ensure that DAS continues to pay its share of the insurance premiums during the period of approved leave, and process payments when the employee self-pays PEBB benefits.
11. Employee Provide Employee Services with a return-to-work release from a health care provider.
- If the release requires special restrictions or considerations, the employee must ensure that Employee Services receives the release and any requested medical documentation **prior to the employee's return date.**
- Failure to provide requested medical documentation may delay the employee's return to work.
12. Employee Services Upon receipt of a return-to-work release, contact the supervisor or manager to review the restrictions and determine if the employee is eligible for, and work is available, within the restrictions.
13. Manager/DPC Notify Employee Services and Payroll Services of employee's return to work.
- If employee was on leave without pay, submit personnel action (PA) to Employee Services to remove leave without pay status.**
14. Payroll Services Coordinate with employee to recover any overpayment of insurances or benefits paid by DAS.