

City of Columbia FMLA Training

March 2010

FMLA Source®

This training is to discuss:

- What is FMLA and why is it important
- The FMLASource Process
- Commonly Asked Questions

The Family Medical Leave Act of 1993 allows eligible employees to miss work for a qualifying reason. During this time the employees job and benefits must be protected.

FMLA is an unpaid leave that runs concurrently with any Workers Compensation or time off benefit.

FMLA time is tracked using a rolling backwards calendar. This method is the only method that prohibits stacking of the 12 weeks.

Illinois District Court Case: Schultz v. Advocate Health and Hospitals Corp.

Schultz V. Advocate is an example of a case where the Employer failed to:

- › Recognize leave as protected under the Act
- › Notify the employee of his rights under the Act.
- › Track his time appropriately

Supervisors were held individually liable; compensatory and punitive damages against each of them.

FMLASource will determine that an employee:

- 1 – Is eligible
- 2 - Needs leave for a qualifying reason
- 3 – Is out for no more than 12 weeks

FMLASource will also:

Send out all correspondence to Employees

Be available to answer questions and act as a resource for managers and employees.

1 year of service

1,250 Hours (Actual hours)

Qualifying event

We receive an eligibility feed from Human Resources that assists in determining hours worked, and length of service.

Qualifying event will be determined by Medical Certification.

FMLA is limited to 12 weeks in a 12 month period.

- › With the exception of Care of an Injured Service member which allows 26 weeks

Leave can be taken 3 ways:

- › Continuous (Missing every day of work)
- › Intermittent (Sporadic or episodic absences)
- › Reduced Schedule (Pre-arranged schedule for days and hours to be missed)

1. Birth or care of child
2. Adoption/foster care
3. Care of immediate family member with a serious health condition
4. Employee unable to work because of a serious health condition
 - › Who is an immediate family member?
 - › What is a serious health condition?
5. To care for an injured service member
6. For a “Qualified Exigency”

Qualifying Exigency

- Covers all active servicemembers
- Short Notice Deployment
- Military events and related activities
- Child Care
- Post-deployment
- Rest & Recuperation (5 Days)
- Requires special certification form and military orders
- Counted as regular 12 week FMLA

Injured Servicemember

- Covers Spouse, domestic partner, son, daughter, parent, or next of kin
- Designee chosen by service member
- No overlapping of service member and family leaves
- Requires a special medical certification form
- 26 weeks total in single year which commences on first day of leave despite number of injured family members

Spouse/ Domestic Partners (opposite and same sex partners)

Child

- › Includes: Step-child, Foster child, Or any child that the employee has in their custody that they are responsible for both financially and emotionally.
- › Child over 18 is included if child is incapable of self care.

Parent

- › Includes: Step-Parents, Foster Parents, Or any person that provided for the employee as a parent while under the age of 18.

Qualified Military Servicemembers

- › Includes: Spouse, Parent, Son, Daughter, Domestic Partner or Next of Kin

1. Any period of incapacity connected with inpatient care
2. Incapacity of more than three calendar days plus treatment by a health care provider
 - First visit to provider must be within 7 days of incapacity
3. Pregnancy or for prenatal care
4. Chronic serious health condition
 - Regimen of continuing treatment with mandatory 2 visits to the healthcare provider per year
5. Permanent or long term condition

FMLASource receives claims via Phone, Internet or Fax

Employees and Supervisors can call the FMLASource automated intake line 24 hours a day to report FMLA leave, or Initiate new claims. Live FMLA Specialist can be reached from 7:30am-7:00pm CST.

- › 877-462-3652

- › 877-309-0218 (Fax)

- › www.FMLASource.com
 - Employees and Division Managers and/or Department Heads can open leaves, check on status of leave requests, and report absences. Managers and/or Department Heads can also generate reports showing FMLA time used.
- › Claims are Accepted from Employees, Supervisors, Division Managers and/or Department Heads.
 - Supervisors can contact FMLASource to open a leave Request on behalf of an employee. However, supervisors will not have access to any employee claim information in the database. If a supervisor opens a leave the employee should be told.

Experienced FMLA Specialist

Explain what correspondence will be sent to employee

Explanation of medical documentation needed from
Attending Physician

Explanation of employees responsibilities

- › Contact FMLASource in the event of qualified absence (Intermittent)
- › Contact FMLASource if circumstances change

Federally mandated Employer responsibility - Notification of Rights

- › Provide written notification within 48 hours (law requires 5 days)
- › Address questions relating to Medical Leave, Continuation of Benefits and the Return to Work Process

Day 1 – FMLA Claim is opened, copy of Initial Request letter is e-mailed to Division Managers and/or Department Heads.

Day 2 - Initial Request letter with Rights is sent to employee via USPS. Employees can also request paperless delivery of the forms; FMLASource can also faxed or e-mail documents to the treating health care provider.

Employee has 15-days to have Health Care Provider complete and return Medical Certification to FMLASource.

Day 16 – If Medical Certification is not received, request is denied and a copy of Denial letter is e-mailed to Division Managers and/or Department Heads.

Day 16 - Denial letter is sent to employee via USPS.

Employee is given 7 additional days to correct any deficiencies in their medical certification.

All Approval and Denial letters are sent to the employee via USPS, are copied to HR Department via e-mail. All documents that are sent to the employee are also listed online at www.FMLASource.com for the employee to review or reprint at any time.

- › In order to return to work from an approved FMLA leave due to an employees own serious health condition or due to the birth of a child, the employee must submit an official City of Columbia return to duty form. The form must be completed by the employees treating health care provider.
- › This form must be submitted, to the employees supervisor as soon as they are released by their treating health care provider to return to work.
- › If the employee is returning to work earlier than anticipated they must notify their supervisor two (2) business days prior to their expected return date; failure to notify their supervisor may delay the return to active employment.
- › Job descriptions may be viewed online at www.gocomojobs.com by employees or treating health care providers to verify employees job duties.

Employees are required to report each unplanned Intermittent absence prior to the start of their shift to both their Supervisor and FMLASource. However in the event of an emergency an employee must provide notification as soon as the emergency has passed.

Employees are required to report each Pre-Planned Intermittent absence to their Supervisor at least 2 days in advance and to FMLASource upon their return to work or no later than the next business day.

Employees are required to notify FMLASource and their Supervisor at the beginning of a Continuous leave and for any extensions.

Supervisors have a right to ask an employee to reschedule a doctors appointment to a time that will not interfere with the departments operations.

FMLA Usage Reports and FMLA Leave Reports are sent to an employees Division Managers and/or Department Head each Monday.

The FMLA Usage Report is designed to show any time reported as FMLA in the last 7 days. This includes both time actually missed in the last 7 days, and time reported in the last 7 days that will be missed in the future.

The FMLA Leave Report is designed to show any leave requests that were opened, approved or denied in the last 7 days.

Reports are only sent if there is data to report.



Welcome to FMLASource®

FMLASource is a ComPsych Corporation company that specializes in reviewing, approving, processing and tracking FMLA leave requests with the oversight of expert legal staff. FMLASource helps assure compliance with state and federal law, consistency in processing and coordination, and facilitates communication to supervisors, managers, HR and employees.

FMLASource is pleased to provide an easy and convenient online way to request, track and manage family and medical leave.

Employees can:

- Request leave
- Check eligibility for leave
- Download medical certifications
- Check the status of a leave request
- Keep track of leave time
- Learn about federal FMLA regulations

HR Managers and Current Customers can:

- Track requests
- Confirm eligibility
- Check compliance
- Verify medical certification
- Receive FMLA training

WWW.FMLASource.com

Log in

User Name

Password

Password must be at least 8 characters, one number and one alpha character, and must not be the same as the user name.

[Log In](#)

New user? [Please register now](#)
[Forgot your password?](#)

(If you have forgotten your **user name**, please contact customer service at 888.748.5137)

ComPsych®
GuidanceResources®

[Learn More](#) about how FMLA administration can be integrated with EAP, Work-Life and wellness to manage time off and improve employee productivity.

From the home page a user can log in with an existing user name or register if they are a first time user.

Check Status

Thank you for using FMLASource to request leave and report your time. The following information summarizes the Leaves of Absence you have requested. For each Leave Request, go to the View column on the far right to:

- See the details of your request, click Leave Details
- View your initial request(s), click Request
- Click Report Time and add dates/hours used (if applicable)

Leave Requests for Employee Cindy FMLA

Date Opened	Request #	Leave Reason	Taken For	Frequency	Protected Hours (*)	View
06/07/2011	502866	Employee's Serious Health Condition		Continuous, Intermittent	344.0	Leave Details/ Request Report Time
06/07/2011	502865	Family Member's Serious Health Condition	Mary FMLA	Intermittent	56.0	Leave Details/ Request Report Time

(*) Protection is designated here for informational purposes only and does not supersede actual protection based on available entitlement and actual usage.

On the check status page you will see a brief overview of all the leave requests in our system. The Request, Details and Report Time links will take you to more information.

Leave Request Summary
<https://www.fmlasource.com/FMLAWeb/com/compsych/fmla/jpf/checkstatus/summaryOfOccurance.do?leaveID=502865>

Request Leave | **Check Status** | Correspondence | About FMLA | About FMLASource® | Contacts | EAP | Generate Reports | Letter History

[New Session](#) [Logout](#)

[Check Status](#) [Medical Certification](#)

Leave Details

Employee Name (First/Last): Cindy FMLA
Request Number: 502865

Leave Request Information for Employee Cindy FMLA

Action 1: Intermittent

Decision Information		Certification Detail	
Status:	Approved	Due:	
From:	4/1/2011	Received:	4/5/2011
To:	3/31/2012	Start:	4/1/2011
Reason:		End:	3/31/2012
Plans:	FMLA		
Details:	N/A		
Intermittent information:			
On an intermittent basis for 1 treatment(s) or appointment(s) per month and for 2 episodic incapacitation(s) per month			

This details screen shows a Intermittent leave request, including the details for frequency of absences, # of treatments, # of episodes, and anticipated duration of episodes.

Report Times - Add Time Used

Please fill out the fields below to report your time. You may report time only within the following date spans:

07/28/2011 - 05/22/2012

If you need to report time for any other date, please contact FMLASource at: 877-GO2-FMLA

Once all dates and times are entered, click Next to continue.

Date	Hours	Minutes	Absence Reason
<input type="text"/> 	<input type="text"/>	<input type="text"/>	Please select 
<input type="text"/> 	<input type="text"/>	<input type="text"/>	Please select 
<input type="text"/> 	<input type="text"/>	<input type="text"/>	Please select 
<input type="text"/> 	<input type="text"/>	<input type="text"/>	Please select 
<input type="text"/> 	<input type="text"/>	<input type="text"/>	Please select 

I confirm that these absences were due to the condition for which this leave has been applied for or approved for. I understand that reporting an absence via this method does not guarantee protection under the Leave Request.

For FMLA Leaves: I understand if an employee reports an absence as FMLA when the absence was due to a reason other than the reason applied or approved for, then it becomes a violation of the federal law that governs FMLA and could subject an employee to disciplinary action up to and including termination.

Note this reporting method does not prevent a user from reporting more time than may be available for protection under the Leave Request.

This screen allows employees to report their absences to FMLASource online, in advance or the day of an absence.



Generate Reports

There are five types of reports available.

- The [EE Report](#) displays leaves taken by an employee during a specified date range, grouped by claims. This report can be used to determine the hours used by a particular employee within certain dates.
- The [Frequency of Absence Report by business unit](#) displays leaves taken during a specified date range, grouped by employees. This report can be used find patterns in the frequency of leaves (e.g. all leaves taken Fridays). Report is based on business unit(s).
- The [Frequency of Absence Report by location](#) Report is based on location(s).
- The [Frequency of Absence Report by organization](#) Report is based on organization(s).
- The [All Activity Report](#) shows all Active Approved Leaves and All Pending Leaves.

There are 5 reports you can generate via the FMLASource Website, The EE Report and The Frequency of Absence Report.

The EE report e-mails you all absences reported by an employee for a date range you chose.

The Frequency of Absence Report e-mails you all absences for a group of employees for a date range you chose.



Letter History

The following is your letter history.

Note: Attachments containing potentially sensitive information are not viewable.

Letter History for Employee Cindy FMLA			
Date	Request Id	Letter	Attachment(s)
06/16/2011	505087	REQ-PMC	FMLA Rights & Responsibilities Instructions - Personal Medical Certification
06/08/2011	502865	DECISION	FMLA Rights & Responsibilities
06/08/2011	502866	DECISION	FMLA Rights & Responsibilities

First check the employee name. The screen will display all the letters that have been sent to that employee. Here you can verify dates and types of information that was sent to the employee.

Do not attempt to answer FMLA questions

Refer employee questions to FMLASource

Document your referral to FMLASource by date and time

Reconcile your weekly reports from FMLASource with your employee's own absence report to you

Report discrepancies in the FMLA Usage Report to FMLASource

Q - I have questions regarding the employee's reason for leave, what can I know?

A – Under the new FMLA regulations an employee's Supervisor does NOT have the right to ask what the FMLA condition is. That information is restricted to Human Resources and FMLASource.

If an employee tells you their reason for FMLA, please keep that information confidential.

Q - When an employee wants to take FMLA but chooses to make the time up during that week, do they have to report this time as FMLA when they made the time up?

A - FMLA focuses on protecting an employee from disciplinary action because of an absence related to a FMLA reason. If your employee is scheduled to work and misses work then that time is counted against their FMLA entitlement.

If an employee makes up time in order to get paid that absence is still counted against their FMLA entitlement .

Q: How Can I recognize an employees possible need for FMLA Leave.

A: FMLASource will determine if an FMLA leave is necessary. However, managers and supervisors are first in line when it comes to recognizing possible needs for leave and informing employees that FMLA is available to for job protection. If any of the following situations occur. Please provide the employee with the FMLASource contact information and have them reach out to us for verification of FMLA eligibility.

- › An Employee notifies you that they are pregnant; or a new father is expecting a child.
- › An employee is adopting a child, or missing work to care for a child that is in their custody.
- › An employee Is hospitalized, or caring for a family member that is hospitalized.

- › Employee misses work for three or more days or If they are repeatedly calling in sick. (Managers DO NOT have to know the employees medical condition to refer an employee to FMLASource.)
- › If an employee is repeatedly missing work to care for any family member (FMLASource will determine if relationship is covered).
- › Employee is missing work for a military related reason.

WHEN IN DOUBT, REFER THE EMPLOYEE TO FMLASOURCE

Q - How can I recognize potential FMLA Abuse?

A - Misuse or abuse of FMLA is the primary concern when tracking FMLA for an employee, the following are examples of potential abuse:

Reporting FMLA time for NON-FMLA related activities or absences.

A consistent pattern of non-scheduled absences – such as calling in FMLA on primarily Mondays, Fridays, or combinations such as Thursdays and Fridays.

A consistent pattern of excessive absence – attempting to report more FMLA than allowed by medical provider's restrictions or a pattern of 3-4 days absence on intermittent leaves which was not indicated by medical provider.

Failure to report FMLA absences in a timely manner – reporting blocks of FMLA tracking at a time or delayed identification of FMLA for absences that otherwise would result in disciplinary action.

Q – Can I ask for my employee’s intermittent leave to be recertified?

A – YES! However we do have requirements under FMLA that must be met prior to processing a recertification.

If you feel your employee is misusing their FMLA leave, the health condition has changed, or you suspect a pattern of usage that casts doubt on the leave, please contact us.

When a recertification is requested, we research the request, ask follow up questions for clarification, and if we find that the recertification falls under the FMLA guidelines, we close the current claim and send out the recertification request. The attending physician has to sign off on leave dates taken by the employee, and complete an updated medical certification form.

Please be aware that the language on a recertification letter is VERY direct and in some cases informs the employee that abuse is suspected.

Q – There is confusion among management about how to handle employee absences that exceed the estimated absences specified by the medical provider in the certification. Do we have to count these excess absences as FMLA?

A – Yes, when the certification is for intermittent absences, you do have to count them as FMLA. Absences specified by the provider in an intermittent approval are only an estimate. The health condition could change, requiring more time off than anticipated. If this becomes a frequent occurrence, contact FMLASource and discuss the appropriateness of requesting a recertification of the FMLA claim.

Q – What do I do if I have questions regarding the reported frequency of absence for intermittent FMLA and how much time can be covered?

A – Under the new FMLA regulations, FMLASource is able to request that health care providers supply better guidelines for an employee's anticipated absences. Unfortunately, there will still be situations where employees call in for more time than the approval letter indicates. If you are concerned that an employee is asking for more time than the approval letter indicates, please contact FMLASource with your concern. We may need to have a clarification call with the employee, or we may ask the employee to recertify their leave.

Q – My employee, who was out on an FMLA-approved maternity leave, notified me that she would not be returning to work when her leave was over. Do I have to wait until the end of her leave to terminate her and hire a replacement?

A – No, reach out to Human Resources with this information and have the employee send a written resignation in follow-up to the call. Management should provide the written resignation to HR when received.

Q – Can an employee use eligible accruals for an FMLA-related appointment and not have that time applied to FMLA? This might arise, for example, when an employee wants to save all 12 weeks of FMLA for the birth of a child. What if this same employee wants her pre-natal doctor appointments covered under the FMLA?

A – FMLA does not give an employee the right to pick and choose when to use FMLA. The law dictates that if an employer knows that an absence is due to a FMLA condition, the employer must protect that absence. The employee in this example should be reporting her absences for doctor appointments to FMLASource. Her supervisor should monitor the FMLASource weekly usage reports to ensure that all her absences are appropriately tracked.

If you have additional
questions or concerns,

please call

877-462-3652

or e-mail us at:

FMLACenter@FMLASource.com

THANK YOU!