Overview

- Approval Process
- Tracking
- Curbing Abuse
- HRS Entry
- Questions?
Approving FMLA – Initial Steps

- Ensure that employee is qualified for either or both FMLA & WFMLA
  - Do not use HRS reports (from Knowledge Base) as your only source for determining hours worked/paid
  - Manually count hours using “Review Paycheck” starting one year prior to first date of leave
- If employee is eligible for WFMLA only, and is seeking leave for a serious health condition, ensure that ONLY the WFMLA certifications are provided
Approving FMLA – Initial Steps

- When an employee needs leave for an unforeseen reason (e.g. accident/emergency situation), and you’ve gathered enough information to conclude it is likely an FMLA situation, send provisional FMLA letter.

- If a work-related injury, do the same. However, if EE refuses to complete FMLA paperwork, work with your campus WC coordinator to determine if injury satisfies FMLA serious health condition.
Approving FMLA - Certification

- If leave requested is for birth/adoption only, do not request certification
- When certification is returned, ensure that there is enough information to support amount of leave needed
  - CRITICAL with intermittent leaves for flare-up conditions
- If amount of leave is vague, contact HCP directly for clarification
  - REMEMBER – 5 day window to respond to EE does not begin until FULL & COMPLETE cert has been received
Approving FMLA – Birth/Adoption

- Under FMLA, EE is entitled to ONE 12-week period of leave per instance even if it bridges 2 FMLA years
- FMLA must conclude 1 year from date of birth or placement
- WFMLA must BEGIN within 16 weeks from the birth or placement
Approving FMLA - Calendars

- Remember the key differences in FMLA Calendars
  - ELIGIBILITY: determined by calculating hours worked in preceding 12 months
    - EX. If EE needs leave beginning 8/2/17, calculate hours worked from 8/2/16 forward
  - USAGE: based on the calendar year for both FMLA & WFMLA
    - EX. If EE needs leave beginning 8/2/17, and is eligible for 12 weeks FMLA/2 weeks WFMLA, those 12/2 are good only through 12/31/17
Approving FMLA - FTE

- Do not reduce FTE for EE on FMLA → Keep EE at regular FTE and put on FMLA
- Reducing FTE while on FMLA likely to be seen as retaliatory even if that was not the intent
- EE entitled to FMLA in proportion to their FTE
Approving FMLA – Less than 1.0 FTE

- If employee is less than 1.0 FTE, the FMLA is reduced accordingly if on intermittent leave
  - EE must still work 1250 hours in prior 12 months
  - For EE at .75 FTE would only be eligible for 360 hours of intermittent leave
  - Will still be eligible for 12 weeks if continuous because 12 weeks of .75 FTE is still 12 weeks
- For WFMLA, same reduction applies
Approving FMLA – Timeline: Birth or Adoption Leave

EE turns in UWS 80 → ER gives UWS 81 & UWS 86 & signed UWS 80 to EE → ER tracks FMLA usage; EE reports leave in HRS accordingly
Approving FMLA – Timeline: Serious Health Condition/Military

EE turns in UWS 80

ER provides UWS 81 & Appropriate Certification to EE

EE returns completed Certification

ER provides UWS 86 & signed UWS 80

ER tracks FMLA usage; EE reports leave accordingly

5 days

15 days

5 days
Approval Process - Documentation

- When returning completed FMLA paperwork to EE, attach cover letter that can provide more specifics about the leave
  1. Leave reporting in HRS
  2. Need for 24-hour notice of scheduled appts.
  3. Proper call-in procedure (including when & who), including specific reason
  4. Confirm estimated amount of leave needed for intermittent leave
Tracking FMLA Usage

- Must be done manually
- Requires interaction/communication among EE, Supervisor & Timesheet approver
- Extremely important for EEs on unscheduled intermittent FMLA
Tracking FMLA Usage

- Set up spreadsheet with W/E dates in each column, count down from 480 hours (or appropriate % if not 1.0 FTE)
- Add column for intermittent leave with maximum estimate of hours expected to be used
  - EX. If HCP estimates EE will miss 1-2 days per week, use 16 hours per week as max
- KEY FORMULA: =FMLA hours-sum(A1:ZZ1)
  - Ex. for FMLA: =480-sum(a1:zz1); WFMLA: =80-sum(a1:zz1) or =240-sum(a1:zz1)
## Tracking FMLA Usage

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<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
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<td>FMLA Reason</td>
<td>Intermittent (Y/N)</td>
<td>Expected Leave Usage</td>
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<td>WFMLA Hours</td>
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Tracking FMLA Usage – Leave Reporting

- Hourly EE: report actual leave usage on Timesheet to nearest 15 minutes
- Salaried EE: as with hourly, tracked in 15 minute increments; requires good communication between EE & time approver
Use of Paid Leave

• Ensure EEs on FMLA are using appropriate paid leave per your campus and UW System policy

• EE needn’t be specific on request form, especially with intermittent leave
  • We simply need to know for benefits purposes

• We cannot require EE to use paid leave while covered under WFMLA

• If requiring EE to use paid leave when FMLA only, be consistent
Curbing FMLA Abuse

• Primarily seen with intermittent leave
  • With good tracking, becomes much easier to see when EE has exceeded estimated leave

• When leave exceeds estimate, allows you to inquire directly with HCP to obtain new certification
  • In previous example of 1-2 days per week, if misses 9 days in a month, probably does not give rise to requesting cert; however, missing 3 days per week in 3 weeks of a month does

• When EE says they need leave on days abutting weekends or holidays, be wary – watch for patterns
Curbing FMLA Abuse

- Require new Certification every 6 months & at beginning of new FMLA years
- Require new Certification if EE uses more leave than estimated
- Require new Certification if need for leave extends beyond initial date HCP estimated
- Require EEs on FMLA for leave that requires appointments that they notify you within 24 hours of scheduling appointment
- Require & remind EE of department call-in procedures & whom to call
Curbing FMLA Abuse

- If EE is not following rules established (ex. call-in procedure, use of proper leave), you CAN discipline EE
- Follow your campus procedure for progressive discipline
- Do not allow EE to use SL in lieu of FMLA
- Do not allow informal leaves if would qualify for FMLA – this inevitably leads to problems down the road
Returning from Leave

• If for EE own health condition, require Fitness for Duty or return-to-work authorization from HCP – you don’t want a non-work condition/injury to turn into a payable WC claim!
• It IS okay to allow return w/o FFD if either hour restriction OR restrictions w/ no effect on position
• If EE gave birth and seeks to return prior to 6 weeks post-partum, seek release from doctor
FMLA HRS Entry

1. Add a row dated for the first day of the leave. If ≥ 30 days in the past, contact UWSC

2. Choose either Leave of Absence (Unpaid) or Paid Leave of Absence
FMLA HRS Entry (Continued)

3. Choose either FMLA-Continuous or FMLA-Interrupted.

4. Verify the last day worked before leave begins.

5. Save the record.
Takeaways

- Document, document, document!
- Track leave accurately
- Get recertification when necessary
- Don’t be afraid to follow disciplinary process when necessary!
Questions?