

## FMLA Information Sheet

### Effective July 1, 1997

To manage the FMLA properly, supervisors must understand four areas: (1) when leave is covered by the FMLA, (2) notification requirements, (3) potential impact on medical insurance premiums, and (4) medical certification requirements. Provided below is a general explanation of each area. The three charts attached provide other details.

#### Determining Whether Leave is FMLA-Covered

- Must be taken by an *eligible* employee for a *qualifying event*.
- An *eligible employee* is one employed by the State at least 12 months and 1250 hours in the last 12 months.
- A qualifying event is normally *serious illness* of the employee; the need to care for the employee's *seriously ill* child, parent, or spouse; pregnancy/pre-natal care; or to care for a *newborn child* (including a newly placed foster or adopted child).
- Up to 12 weeks of FMLA-covered leave may be taken in a 12 month period.
- Effective July 1, 1997, in compliance with decisions by the Division of Administration, the Ag Center began using a *first usage year*. *First usage year* means the 12-month period during which FMLA coverage is measured begins the first time the employee uses FMLA-covered leave (after 7/1/97), runs 12 months from that date, then begins again the next time the employee uses FMLA-covered leave. Every employee has their own FMLA year. This makes it essential that you send the Ag Center HRM Office a copy of every FMLA Notification Form you sign so the data can be maintained and you can be provided with the FMLA year for employees as necessary.

#### Giving the Employee Proper Notification

- Although in most cases the employee will make the request for leave under the FMLA, the FMLA actually makes the supervisor responsible for designating whether leave is FMLA-covered.
- Usually an employee must be notified within two work days that the leave has been designated as FMLA-covered.
- This is accomplished when an FMLA Notification Form is completed (by either the employee or supervisor), signed by the supervisor, and a copy given to the employee. The Notification Form also gives the employee written notice of his/her rights and responsibilities, as required by the law.

#### Impact on Medical Insurance Premiums

- Employees on FMLA-covered leave continue to have the *employer* portion of their medical insurance premiums paid when on leave without pay. They also have a 30-day grace period to pay the *employee* portion of premiums.
- If the employee has begun taking FMLA-covered leave without pay, it is critical that the FMLA Notification Form be completed and submitted so premiums can be properly continued. It is equally important to do this for paid leave if it is likely that the employee will in the future exhaust his/her leave and need to begin taking leave without pay (i.e., the employee has a minimal paid leave balance and/or will be on leave for an extended period) since this could potentially affect the Ag Center's liability for payment of premiums.

#### Obtaining Medical Certification

- Requirements for obtaining *medical certification* are covered in AG CENTER PS-34.
- Medical certification is required for two purposes: (1) to certify that the leave is for a valid, true reason, and (2) to certify that the employee is fit for duty following a period of approved leave.
- For relatively short periods of leave, one medical certification form can accomplish both purposes. For longer periods of leave, a medical certification form may be necessary at the beginning of the leave to support the request and the employee may have to supply another at the end of the leave in order to be authorized to return to work.
- If a "fit for duty" certification is going to be required, the employee must be advised of this requirement before he/she returns to work.
- The FMLA Notification Form contains space for the supervisor to indicate whether certification of either form is necessary. Since it is often difficult to anticipate the length and/or severity of illness, certification requirements may change during the period of leave. Updated FMLA Notification Forms should be sent to the employee as necessary to reflect changes.