

Family Medical Leave Act (FMLA) – Employee Process

How do I request FMLA Leave?

To take FMLA leave, you must provide your Location with appropriate notice. If you know in advance that you will need FMLA leave (for example, if you are planning to have surgery or you are pregnant), you **MUST** give at least 30 days advance notice. If you learn of your need for leave less than 30 calendar days in advance, you must give notice as soon as you can (generally either the day you learn of the need or the next work day). When you need FMLA leave unexpectedly (for example, if an eligible family member is injured in an accident), you **MUST** inform your location as soon as you can. **Per FMLA regulations**, you **MUST** follow your locations usual notice or call-in process and procedures unless you are unable to do so (for example, if you are receiving emergency medical care), failure to follow locations procedures may result in delay or denial of FMLA.

The regulations outline different notification procedures for planned (foreseeable) and unplanned (unforeseeable) absences. In either case, you must give your employer adequate and timely notice when FMLA is needed. Otherwise leave can be disallowed or delayed and an absence counted towards discipline.

Foreseeable absences - 30 calendar days or "as soon as practicable."

A 30-day advanced notice is required for planned leaves, but if that is not possible, notice must be given as soon as practicable. Ordinarily this means within one or two business days of when you learn of your need for leave.

Example: Your doctor tells you today that your son must have surgery next week. You should inform your employer of your need for leave within the next two business days.

Unforeseeable absence - "As soon as practicable" / within one or two business days

Since advanced notice is impossible for unplanned absences, you are required to give notice "as soon as practicable" - i.e., within one or two working days after you become aware of the seriousness of the condition. Notice may be given in person, in writing, by telephone, or fax machine.

While you don't have to specifically ask for FMLA leave for your first leave request, you do need to provide enough information so your employer (work location) is aware it may be covered by FMLA. Be straightforward and give clear information about your need for leave (if you know your leave is for an FMLA qualifying reason, just say so). For example, "I fell last night and I believe my leg may be fractured, I am going to see the doctor today and I may be out for a few weeks, could you please send me the FMLA packet so that I can give it to my doctor to complete". By being clear, your location can make a quick determination as to whether you or your eligible family member's condition may qualify as a serious health condition, which will trigger the Leaves Management's responsibilities under FMLA. If you do not give your location enough information to know that your leave may be covered by FMLA, your leave may not be protected. **COMMUNICATION IS KEY!**

Medical Certification – FMLA Packet

Once you have received your FMLA Packet you have within **15 (fifteen) calendar days** from the date notated to return the **REQUIRED Acknowledgement, Request and the Health Care Provider Certification**. It is your responsibility to ensure that a Complete, Sufficient and Timely certification from your health care provider is submitted as well as the cost associated with having it completed. If you fail to provide the requested and required medical certification, your FMLA may be denied.

The Medical Certification **MUST** include some specific information, including:

- Contact information for the health care provider
- When the serious health condition began
- How long the condition is expected to last
- Appropriate medical facts about the condition (information on symptoms, hospitalization, doctors visits (specific dates of latest treatments) and referrals for any future treatment.
- Whether you are incapacitated (unable to work) or what the care your eligible family member is in need of by you (the employee).
- Whether you need leave:

Continuously (estimated date range) **OR**

Intermittently/Non-continuous, or **Reduced Schedule** include either the dates of any planned leave or the date range and estimated frequency and duration of expected incapacity due to the condition, as well as information showing the medical necessity for intermittent use. **Intermittent FMLA Leave for birth and bonding is not allowed, it must be taken in one continuous block of time.**

If Leaves Management:

- Finds that necessary information is missing from your certification, you will be notified of what additional information is needed to make the certification complete. You **MUST** provide the missing information within **7 (seven) calendar days**. If you fail to provide the requested missing information, your FMLA may be denied. *Also, a possible denial of payment for the days in question and in appropriate disciplinary action.*
- Believes the medical condition described in the certification does not meet the *serious medical condition standard* for FMLA then it may choose to ask the employee to provide an amended certification with more information so a better determination can be made as to whether the condition meets the FMLA standard.
- Has concerns regarding the validity of your certification, Leaves Management may contact physician for clarity, and/or a second or third opinion may be required.

Communication with your Location and Leaves Management is KEY

Ongoing communication between you, your location and Leaves Management will make the FMLA process run much more smoothly. Each has to follow guidelines about notifying the other when FMLA leave is being used.

You will need to inform Leaves Management if your need for FMLA leave changes while you are out (for example, if your doctor determines that you can return to work earlier than expected or your leave frequency and duration changes significantly from that which was originally approved) new certification may become necessary. You should maintain periodic updates with your location regarding your status and your intent to return to work (*FMLA should not mean employee and employer have an adversarial relationship during this process*).

Leaves Management **MUST** notify you if you are eligible for FMLA leave within five business days, (*because of extenuating circumstances* Leaves Management notifications are within five-ten business days) of your first leave request.

If approved, any accrued time available to you will be used to compensate you while on leave (not an option).

Also information regarding health benefits and return to work will be included in notification.

If you are NOT eligible, the reason for ineligibility will be stated.

If Intermittent FMLA has been approved, when calling in you must at least state that your absences is for the FMLA reason you are approved for. Please be aware that Intermittent and Continuous FMLA are 2 different requests, if your certification states your need is intermittent you cannot use it in a continuous manner without additional certification from your physician.

*Failure to follow Locations call-in process and policy, timely inform Location so Leaves Management can be informed, return required/requested documentation and receive prior approval ...may result in denial of payment for the days in question and in appropriate disciplinary action. **Communication is Key.***

- Please don't assume that a submitted doctor's note automatically qualifies you for FMLA or for an Approved Sick Leave, a leave of 4 or more days requires additional documentation for proper designation **as well as** Leaves Management's approval.
- Please submit your documentation using **1 (one)** type of submittal: Email, Fax, Mail **or** In Person (*this will eliminate duplicate paper handling and processing...thus increased response time*) If you have not received a response within **5-10 work days** after your submittal, please contact Leaves Management.
- There is a 2-work day notice requirement that needs to be given to the Location and Leaves Management for Early Returns from **Continuous FMLA**
 - **Extending Leave Time:** There is a 7 calendar day notice requirement and physician documentation that must be received by Leaves Management. Extensions **MUST** be approved **PRIOR** to the extension taken.
- Employees out on an Approved Sick Leave (Non-FMLA) **MUST** be released to return to work by Mercy. An employee **cannot** return to work unless location has received notification from Leaves Management that a release from Mercy has been given.

Employee's failure to follow these processes may result in a denial of payment for the days in question and in appropriate disciplinary action.