



FAMILY MEDICAL LEAVE HANDBOOK

The Unified Government of Athens-Clarke County

**Human Resources Department
Benefits & Wellness Division**

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FAMILY MEDICAL LEAVE TABLE OF CONTENTS

WHAT IS FMLA.....	3
FMLA ELIGIBILITY REQUIREMENTS.....	3
DEFINITIONS	4
Family Member	4
Primary Care Giver.....	4
A Serious Health Condition	4
Not a Serious Health Condition	4
Medical Certification/Recertification	5
Intermittent Leave	5
USE OF PAID LEAVE	5
EMPLOYMENT WHILE ON FMLA	6
FMLA APPLICATION PROCESS	6
INTERMITTENT FMLA REQUESTS	6
FMLA RECERTIFICATION PROCESS.....	6
INSURANCE BENEFITS WHILE ON FMLA LEAVE	6
RETURN TO WORK ENTITLEMENTS	7

This packet is intended to provide information only. It is not intended and should not be taken as a statement of legal rights and responsibilities. The legal documents that govern employee and retiree benefits are the Athens-Clarke County Personnel System and the policies for its administration are noted in the official Summary Plan Document for each benefit plan offered. The Summary Plan Documents from which the information provided in this packet is taken, is subject to change at any time by the Unified Government of Athens-Clarke County, and the Mayor and Commission.

WHAT IS THE FAMILY MEDICAL LEAVE ACT (FMLA)?

FMLA IS:

- Family and Medical Leave Act of 1993
- 12 weeks of job-protected leave in a 12-month period
 - 12-month period begins with the first date of FMLA leave (referred to as a rolling year)
- Continuous leave or Intermittent leave depending on the Certification of Health Care Provider
- Leave that runs concurrently with sick leave, Short Term Disability, and Worker's Compensation
- 26 weeks of job-protected leave in a 12-month period for an employee caring for immediate family member injured or illness occurred while on Active Military Duty
- Private Health Information subject to HIPAA regulations

FMLA IS NOT:

- Paid leave (An employee *may* use his/her own leave accruals during FMLA leave)
- Free benefit coverage for Leave Without Pay (LWOP)

DUAL SPOUSE EXCEPTION: If both employees work for the Unified Government of Athens-Clarke County, then both employees' leave requests may not exceed 12 combined weeks to qualify as FMLA.

NOTE: Both employees are allowed a combined 12 weeks total for the following FMLA-qualifying reasons:

- The birth of a son or daughter and bonding with the newborn child,
- The placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child, and
- The care of a parent with a serious health condition.

FMLA ELIGIBILITY REQUIREMENTS

EMPLOYEES WHO HAVE:

- Worked for at least a total of 12 months within the last seven years; AND have
- Worked 1,250 hours within the past 12 months; AND
- Provided at least 30 days notice when leave is "foreseeable"

FMLA ELIGIBILITY:

- Birth of a child, adoption of a child, or placement of a child for foster care
- A serious health condition of employee
- A serious health condition of employee's family member (spouse, child, parent)
- A serious health condition of a service member or veteran (of up to five years) for which you are the primary care giver

- Up to 26 weeks unpaid leave can be taken, if approved to care for spouse, child, parent
- A qualifying situation which has arisen out of the fact that the spouse, child or parent of the employee is on or has been called to active duty in the Armed Forces in support of a contingency operation (war or combat) or any qualifying exigency thereof.

DEFINITIONS

FAMILY MEMBER

A spouse, son, daughter, or parent of the employee. Extended family, and in-laws are not eligible family members.

PRIMARY CARE GIVER

The nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

A SERIOUS HEALTH CONDITION

Illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility
- Continuing treatment by a health care provider
- Continuous absence from work plus treatment
- Chronic conditions
- Conditions requiring multiple treatments
- Permanent, long-term treatments

NOT A SERIOUS HEALTH CONDITION

Short-term conditions requiring only brief treatment and recovery without any arising complications. The below list should not be considered an exhaustive list:

- Common cold
- Flu
- Ear aches
- Upset stomach

- Minor ulcers
- Minor injuries
- Headaches, other than migraine
- Routine dental or orthodontia problems
- Periodontal disease

MEDICAL CERTIFICATION OR RECERTIFICATION

Certification provided by the health care provider (HCP) that provides medical facts sufficient to support the need for the employee's need for leave themselves or as a caregiver. The ACCUG FML *Certification of Healthcare Provider* includes symptoms, diagnosis, medication prescribed, regimen of continuing treatment, as well as sufficient information on the employee's inability to perform their essential job duties, or their family member's required need for care.

INTERMITTENT LEAVE

Leave taken in separate blocks of time due to a single illness or injury. This includes a reduced schedule that is a change in the employee's schedule over time (usually from full-time to part-time).

USE OF PAID LEAVE WHILE ON FML

An employee may apply accrued paid vacation, sick, compensatory and/or holiday leave toward the 12 weeks of FML.

If FMLA is for the birth of a child, sick leave can only be used for the recovery time of the mother as determined by the doctor (typically 6-8 weeks). Any FML request beyond the recovery time of the mother, for bonding with or caring for the child, the employee must use vacation, compensatory and/or holiday leave.

FMLA leave is required to be used concurrently with Worker's Compensation. All required applications, certifications, and reinstatement rights as allowed by law apply. Employees who receive paid leave from worker's compensation benefits are not allowed to use any other type of paid leave.

NOTE: If an employee uses 80 hours of sick leave in a pay period, he/she does not accrue sick leave for that pay period. Once leave is exhausted and the employee is on Leave without Pay or Short Term Disability, no leave accrues.

EMPLOYMENT WHILE ON FML

An employee who is on Family Medical Leave through the Unified Government of Athens-Clarke County may not participate in any ACCUG job related functions including training courses.

FMLA APPLICATION PROCESS

If an employee is out for 5 or more consecutive work days due to a Family Medical Leave (FML) qualifying condition, he/she must submit an FML application

Required forms:

- a. A *Certificate of Eligibility Form* must be signed by the employee
- b. The *FMLA Application*, which requires signatures from:
 - the employee
 - the employee's direct supervisor
 - the department director
- c. Certification of Health Care Provider form substantiating the serious health condition signed by the HCP.

The application forms should then be submitted to the Benefits and Wellness Division.

An employee can expect to receive an Approval/Denial letter regarding the FMLA request. A copy of that letter will also be sent to the Department Director. The Benefits and Wellness Division tracks the FMLA leave usage of all FMLA leave participants.

INTERMITTENT FMLA LEAVE REQUESTS

Employees who expect to be using intermittent leave for treatments or therapies should submit a schedule, if known, of the treatment or therapy days which he/she will be unable to work.

The *FMLA Self-Certification Form for Intermittent Leave* is included in the FMLA application packet.

FMLA RECERTIFICATION

An employee must recertify every 30 days to continue FMLA leave. Re-certifications should be submitted to the Benefits and Wellness Division. You are required to follow any departmental policies regarding absences from work.

INSURANCE BENEFITS WHILE ON FML

Employee's insurance benefits with ACCUG will continue while an employee is on approved FMLA leave. Employees are required to make premium payments for the

insurance coverage(s). While an employee uses leave accruals during FML, insurance premiums will be deducted from biweekly or monthly payroll checks. If an employee is in a leave without pay status, then **the employee is responsible for remitting premium payments to the Benefits and Wellness Division to retain coverage(s) on a pay period basis. Failure to remit premiums may result in cancellation of benefits.**

RETURN TO WORK ENTITLEMENTS

For those employees on FML due to their own medical necessity a *Return to Work Certificate* may be required from the employee's attending healthcare provider. The original must be submitted to the Benefits and Wellness Division of the Human Resources Department prior to the employee's return to work. The employee must be released to return to full duty without restrictions to perform the essential functions of the job.

An employee who returns to work within 12 weeks of taking FMLA is entitled to:

- a. the same position and pay; OR
- b. an equivalent position with equivalent pay; AND
- c. the same benefits, terms, conditions, and perks of employment

An employee has no job entitlements if FMLA is exhausted (more than 12 weeks of leave taken) and the department chooses to fill the position due to business necessity. However an employee can choose to reapply for another vacant position.

NOTES