Family Medical Leave Procedure and FAQ

- What is FMLA?
- Policy 938
- POST FML (Policy 938.1)
- Am I required to apply for FMLA?
- How do I apply for FMLA?
- What if I am not eligible for FMLA?
- Is Family Medical Leave confidential?
- How much Family Medical Leave can I take?
- Is Family Medical Leave paid?
- Are there different types of Family Medical Leave available?
- Can I take FMLA for Military purposes?
- Will my health insurance and life insurance continue while on Family Medical Leave?
- Who is considered an immediate family member for the purposes of Family Medical Leave?
- What is considered a serious health condition?
- Do I need to apply for Family Medical Leave before I go on leave?
- Can someone request a Family Medical Leave on my behalf?
- Who approves Family Medical Leave requests?
- How will I know if my request for Family Medical Leave has been approved?
- How often do I need to provide Medical Certification?
- Can I take more than one Family Medical Leave?
- Can my request for FMLA be denied?
- What happens if my FMLA gets denied?
- What if I need more time than is available through FMLA?
- What is Supplemental Health Leave and how is it used?
- Do I need to stay in contact with Human Resources and/or my supervisor while on leave?
- How do I record my FMLA hours?
- What is a Return to Work (RTW) release?
What is FMLA?

The Family and Medical Leave Act of 1993 provides an employee with job protection in the event that he or she needs to take time off of work for the birth or adoption of a child, to care for an immediate family member with a serious health condition, or the care of the employees own serious health condition that makes the employee unable to perform the essential functions of his or her job. This includes any work related injury or medical condition as FMLA runs concurrent with Workers Compensation.

There are also provisions under the law that allow for leave under any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on covered active duty OR up to 26 weeks of leave during a single 12 month period to care for a covered service member with a serious injury or illness if the eligible employee is the service members spouse, son, daughter, parent or next of kin (military caregiver leave).

A serious health condition is one that involves inpatient care such as an overnight stay in a hospital, hospice, or residential medical care facility, continuing treatment by a health care provider that results in the inability to work, or a chronic or permanent long term condition that continues over an extended period of time.

Under the law, Family Medical Leave is unpaid and can be taken intermittently or on a continuous/block basis. In order for the leave to be paid, an employee will use their earned leave time benefits.

The Family and Medical Leave Act allows an employee up to 12 weeks of job protected leave in a 12 month period if they have worked at least 1,250 hours during the previous twelve month period. The College of Lake County calculates family medical leave on a rolling 12 month look back.

Example: You use 4 weeks (160 hours) of FMLA in June 2014, 3 weeks (120 hours) in October 2014, and 3 days (24 hours) in February 2015. You have used a total of 7 weeks and 3 days (304 hours of your 480 hours) of your 12 weeks that are covered. In June 2015 you will start to earn back the time that you used the year before. The FMLA calendar is always rolling.

The College provides Family Medical Leave paperwork if you will need to be off of work for a period of more than 5 days, if you or a family member is seeking medical treatment on a continuous or intermittent basis due to illness, injury, or a chronic condition, or if you need leave due to pregnancy or to care for a child after birth or adoption.

Please contact Human Resources for the necessary Family Medical Leave paperwork. Once requested, you will need to submit the paperwork to the treating physician for documentation of the need for leave. The forms are due to Human Resources 15 days from the request date.

Please see the FAQ’s below for more information and the links to College of Lake County policies regarding Family Medical Leave.

Policy 938: College Policy regarding Family Medical Leave. http://www.clcillinois.edu/docs/default-source/depts/pre/policymanual.pdf (once the policy manual opens, use the search button for Policy 938)

POST Family Medical Leave (FML) (Policy 938.1): College Policy that allows additional Family Medical Leave for eligible employees after your FMLA entitlement has ended. Post Family Medical Leave is intended to be used for the same FMLA qualifying condition and if needed, would begin immediately after 12 weeks of Federal FML is exhausted. http://www.clcillinois.edu/docs/default-source/depts/pre/policymanual.pdf (once the policy manual opens, use the search button for Policy 938.1)
Am I required to apply for FMLA? It is in your best interest to apply for FMLA if you are going to miss work for either an extended period of time (5 or more consecutive work days) or if you have a health condition or a family member has a health condition that will require you to miss work on a regular basis. Remember that FMLA is in place to protect your employment status.

It is also necessary to notify your supervisor or your Dean of the need for leave and that you will be taking time away from work. You do not need to inform your supervisor of the reason for your need for leave.

How do I apply for FMLA? Contact the Benefits and Leave Coordinator in Human Resources to ask for an FMLA application. You will be asked if the leave is for you or a family member and if it will be continuous or intermittent in order for the proper forms to be provided.

What if I am not eligible for FMLA? The College of Lake County has some other options available to you. You may still be eligible for a medical leave. To take a medical leave, the same FML medical certification would be completed by you and the treating physician. It is in your best interest to contact HR and request the FMLA paperwork even if you do not qualify for FMLA.

Is Family Medical Leave confidential? Yes. The reason for your leave is kept confidential as is the information that is provided by the treating physician. All paperwork in relationship to your leave is kept in a confidential personnel file. Your supervisor will be informed when you have been approved or denied for a leave (not the reason of the leave), when you are expected to return to work, and of any restrictions you may have once you return to work. Co-workers or anyone other than your direct supervisor, who requests information regarding the status of your leave, will NOT be provided any information.

How much Family Medical Leave can I take? The College of Lake County uses a rolling twelve (12) month calendar. FMLA provides job protection for up to 12 weeks (or 480 hours) within a rolling 12 month period.

Example: You use 4 weeks (160 hours) of FMLA in June 2014, 3 weeks (120 hours) in October 2014, and 3 days (24 hours) in February 2015. You have used a total of 7 weeks and 3 days (304 hours of your 480 hours) of your 12 weeks that are covered. In June 2015 you will start to earn back the time that you used the year before. The FMLA calendar is always rolling.

An intermittent leave cannot be scheduled for more than one calendar year. If it is a lifetime condition, the leave will need to be recertified at least on a yearly basis.

Is Family Medical Leave paid? Under the law, Family Medical Leave is unpaid. However, if you have paid leave time available, you are required to use that paid leave- starting with your health leave accrual and if needed using all other available leave balances. Absence forms are to be completed by you for intermittent leave or a planned continuous leave; HR will complete the absence forms on your behalf for a continuous long term leave or when the need for leave is sudden and unplanned. Stay tuned for more information on how this will be entered when Absence Management will be rolled out.

Are there different types of FML available? Yes, there are two types of FML available. One type is called a “block” or “continuous” leave. This would be when you are missing consecutive days for an extended period of time. The other type is called an “intermittent” leave. Intermittent leave is used when you are going to need to miss work periodically, as needed for treatments, doctor appointments for a specific condition, etc.

Please note that if the reason for your absence is due to a work related injury, you will be asked to complete FMLA paperwork as Workers Compensation runs concurrent with Family Medical Leave.
**Who is considered an immediate family member for the purposes of Family Medical Leave?** An immediate family member is defined as a spouse, son, daughter, parent, or civil union partner.

**What is considered a Serious Health Condition?** A “Serious Health Condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. (This includes the employee’s own work-related injury) The “continuing treatment” test for a serious health condition under the regulations may be met through the following:

- A period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment
- Any period of incapacity related to pregnancy or for prenatal care
- Any period of incapacity or treatment for a chronic serious health condition
- A period of incapacity for permanent or long-term conditions for which treatment may not be effective
- Any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for any one (1) condition which would likely result in incapacity of more than three consecutive, full calendar days absent medical treatment.

The regulations specify that if an employee asserts a serious health condition under the requirement of a “period of incapacity” of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition,” the employee’s first treatment visit (or only visit, if coupled with a regimen of continuing treatment) must take place within seven days of the first day of incapacity. Additionally, if an employee asserts that the condition involves “treatment two or more times,” the two visits to a health care provider must occur within 30 days of the first day of incapacity. Finally, the regulations define “periodic visits” for treatment of a chronic serious health condition as at least twice a year.

**Can I take FMLA for Military purposes?** Yes. If your spouse, parent, son or daughter is a military member who is deployed or has been notified of an impending deployment to a foreign country, and you work for a covered employer and are an eligible employee, you may be entitled to Qualifying Exigency Leave. Qualifying Exigency Leave allows you to take up to a total of twelve (12) work weeks of FMLA leave for qualifying exigencies, such as making different day care arrangements for the military member’s children or attending official military ceremonies as your family member prepares to deploy.

If you are the spouse, parent, son, daughter, or next-of-kin of a covered service member, you work for a covered employer, and are an eligible employee; you may be entitled to Military Caregiver Leave. Military Caregiver Leave allows you to take up to a total of 26 work weeks of unpaid leave during a single 12-month period to take care of your military relative if he or she has a qualifying serious injury or illness.


**Will my health insurance and life insurance continue while I am on FMLA?** If you currently have your Medical, Dental, Vision, and/or Life Insurance with the College, it will continue while you are on FMLA. You may be asked to pay your share of the premiums (if applicable) while on leave.

**Do I need to apply for Family Medical Leave before I go on leave?** If you know you need to take a leave of absence it is best to apply for FML prior to going on leave. We will work with you to ensure that we have the necessary paperwork and documentation to provide you with the job protection afforded under the law. Please provide a minimum of a thirty (30) day notice when possible. We recognize that there are circumstances that occur where the need for leave is unexpected. In this case, contact Human Resources as soon as possible to request the FMLA application.
If the Benefits and Leave Coordinator or HR designee has reason to believe that the need for leave is due to a FMLA qualifying condition, he or she will document the leave as FMLA and request the supporting documentation. In addition, if the treating physician indicates that you are able to work a modified schedule and/or work with restrictions or modified duty, the college will work to accommodate any restrictions in order for you to return to work.

**Can someone on my behalf request Family Medical Leave?** In instances when you are unable to request the leave yourself due to extenuating circumstances, a family member can request a leave for you by contacting the Benefits and Leave Coordinator in Human Resources.

**Who approves FMLA?** FMLA is approved by the Benefits and Leave Coordinator in Human Resources by verifying that you have met the eligibility requirements under the law and that the medical certification is filled out completely and accurately. Your supervisor or Dean does not have any input as to the approval or denial of an FMLA leave.

**How will I know if my request for Family Medical Leave is approved?** You will receive a notice from Human Resources within five (5) business days of the submission of the FMLA paperwork indicating if your leave was denied or approved.

**How often will I need to provide Medical Certification?** At the initial request for leave, the medical certification is due within fifteen (15) calendar days from the time the leave is requested. Depending on the length of the leave you may need to recertify. The college may request recertification at reasonable intervals, but not more than once every thirty (30) days.

**Can I take more than one leave under FMLA?** Yes. You may take more than one qualifying leave as long as you have not exhausted the time allowed under the Family Medical Leave Act. There may also be instances where you may need to have more than one leave at the same time (perhaps one for your own health condition and one for a family member).

**Can my request for FMLA get denied?** Yes. Your FMLA can be denied if the medical certification does not support the need for a leave or if it is not returned to HR within fifteen (15) calendar days. It can also be denied if you do not meet the eligibility requirements for FMLA or if the need for leave is not for you or an immediate family member. All requests for Family Medical Leave are evaluated on a case by cases basis utilizing the guidelines of the law and CLC policy.

**What happens if my FMLA gets denied?** The College of Lake County must notify you within five (5) business days if your leave has been denied. If your FMLA is denied, that does not mean you are not able to take the time off for a medical condition; you may still be eligible for a medical leave. You do not have the same job protection that you would have your FMLA request been approved. We will work with you to make accommodations that meet your needs and the needs of the college. Remember that each request for a medical leave is evaluated on a case by case basis.

**What if I need more time than is available through FMLA?** The College of Lake County offers more leave to eligible employees than what the federal law mandates through College Policy 938.1 – Post Family Medical Leave. An employee who has been employed by the College on a continuous full-time basis for at least thirty-six (36) months shall be eligible for up to nine (9) months of unpaid leave immediately following exhaustion of the twelve (12) week Family Medical Leave Act leave period. The college may allow a leave for up to one year if medically necessary and the appropriate documentation is provided. Any extension of leave under Policy 938.1 is to be for the condition that necessitated the leave that preceded under the Family Medical Leave Act. Requests for Post Family Medical Leave are evaluated on a case by case basis and decisions on the granting or denial of leave shall be non-precedential.
What is Supplemental Health Leave and how is it used? Per College Policy 939, http://www.clcillinois.edu/docs/default-source/depts/pre/policymanual.pdf (once the policy manual opens, use the search button for Policy 939) the College shall grant to each full-time employee with one-year of continuous service in a non-bargaining unit, Board-approved position, a one-time allotment of 20 days (160 hours) of Supplemental health leave. There is no additional earning of Supplemental Health Leave beyond this one-time grant. Supplemental health Leave is used when:

1. You have exhausted all other forms of Personal, Vacation, and Health Leave.
2. You will be out for at least ten (10) working days with an illness or injury that prohibits you from preforming your job duties. This illness or injury may need to be verified by a physician.
3. This is only for your own serious health condition, not that of a family member.

Other uses for Supplementary Health Leave would be considered on a case by case basis by Human Resources.

Do I need to stay in contact with Human Resources and/or my supervisor while I am on leave? Yes. It is important that you keep the Benefits and Leave Coordinator and your supervisor updated on your leave status and provide notification of a need for additional time off and/or your date of return. If you have restrictions, HR will work with you and your supervisor to provide the appropriate accommodations. In cases where you are on FML due to a work related injury, you will be asked to provide a work status report after each follow up appointment, physical therapy treatment, or any other medical treatment necessary for your recovery.

How do I record my FMLA hours? Absence forms are required for the time you miss work. If you are out on a continuous/block leave for more than one week, you can make arrangements with either your supervisor or HR to fill out the form for you. If you are on an intermittent leave and you miss time from work for the condition that you are on intermittent FMLA, you will need to complete an absence request through Absence Management for each day or hours that you miss. You will answer the question “Is it for a Leave of Absence” as “YES” or “FMLA”, either one will work. If you miss work and it is NOT for the condition that you are on an intermittent FMLA leave, then you will answer the question as “NO”.

If you are on intermittent medical leave due to a work related injury, you are required to submit absence forms (using your own health leave) for any time missed due to treatment for that work related injury. Answer the question “Is it for a Leave of Absence” as “WC” for Worker’s Compensation.

What is a Return to Work (RTW) Release? A return to work release is provided by the treating physician when you are on leave for your own serious health condition (including leave for an injury that occurred at work). This MUST be received PRIOR to you returning to work and indicate if you have any restrictions, how long the restrictions will last and if you have a need for continuing treatment. You may not be allowed to return to work following a continuous leave for your own serious health condition until the RTW release has been received by Human Resources.

For more information on the Family Medical Leave Act, please click the link below.