

Family Medical Leave (FMLA) and Leave of Absence (LOA)

Family Medical Leave provides an employee with up to 12 weeks of job protected paid or unpaid leave in the event of a birth/adoption, to provide care for an immediate family member who has a serious medical condition or serious medical condition of the employee. This is mandated by Federal Law. The FMLA and FIL policies are available on the Commerce Intranet. Commerce uses a fixed 12-month period measured forward from the effective date of illness/injury.

FMLA Application

The employee must submit an FMLA application form

<http://intranet.nccommerce.com/forms/HRForms/familymed.pdf> to Commerce HR (Health Benefit Rep.) at least 30-days prior to the date of the scheduled medical leave of absence. Keep in mind that an FMLA application will need to be completed if an employee is absent due to a serious medical condition for at least 3 consecutive days and has visited a doctor at least twice for the medical condition. Please notify HR and the Division/Commission head as soon as possible regarding any unscheduled medical leave of absence.

Processing Family Medical Leave in BEACON

If HR approves the FMLA application, HR will create a PT-FMLA action in BEACON to track the FMLA leave being used (up to 480 hours per year) on all FMLA applications.

- **Employees and supervisors need to make sure timesheets are completed and approved up to the FMLA effective start date.** This is very important, as it affects employee's pay.
- **Exhausting earned leave on FMLA:** HR will create an LOA in BEACON With Pay (Using approved leave) as elected by the employee on the FMLA application, during this time the employee **DOES NOT** need to complete the timesheets. HR will input leave being exhausted in BEACON/TIME for the employee. (Timesheet will be blank during the time out on FMLA) The employee begins recording time when he/she is reinstated. *A PAR from the Division/Commission Personnel Representative is needed to reinstate employee in active status. Benefit plans will continue without interruption.*
- **Approved for FMLA, but no leave balance to cover the absence:**
If the employee **DOES NOT** have leave to exhaust, employee will be put on LOA-Without Pay in BEACON. The employee does not need to complete a timesheet during this period. Employee timesheets in BEACON will appear blank during the time out of FMLA, as Human Resources will be noting the time off. A PAR from the Division/Commission Personnel Representative needs to be submitted for this action. Employee can continue benefit plans while LOA/without pay by paying directly to the vendors.

Health Coverage under the FMLA and Returning to Work:

The employer share of the employee's health insurance will be paid during the 12-week period of FMLA. However, the employee will still be responsible for paying dependent coverage for health insurance. If the employee is on LOA without pay, the employee is responsible for paying both the employee and employer portion of the health insurance.

Prior to the employee returning to work, the Division/Commission Personnel Representative will need to submit a PAR to reinstate the employee, as HR must return the employee to active status in payroll.

Employees who apply for Leave Without Pay after the approved FMLA period need prior approval from the Division/Commission Head and the Director of Human Resources.

After the 12-week period of FMLA concludes, the employees with no leave balances must return to work, apply for Leave Without Pay, or apply for Short-Term Disability (STD).

SHORT TERM DISABILITY

Once Short-term Disability (STD) is approved, the employee will receive payment that is approximately 50% of their annual salary. The Requesting STD Benefits 701 Form should be submitted to HR 30 days prior to the end of the FMLA period. There is a 60-day waiting period (with or without pay) for STD. The benefit begins on the 61st day. During STD an employee may need to submit a Medical Report for Eligibility Review (Form 703) every 30 days. A portion of this form must be completed by a certified medical professional.

This guideline is considered an overview of internal procedures within the Department of Commerce. For more definitive guideline criteria, please see our policies and standard page <http://intranet.nccommerce.com/policies/#leave>