

## Medical Leave - Begin

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### Family & Medical Leave Act (FMLA)

- HR becomes aware that an employee is or will be out of work due to a serious medical condition. At that time, HR should verify that employee has worked for State government for a minimum of 1 year (does not need to be with the current Agency, and the time does not need to be the year immediately preceding the request – any time worked in the prior 7 years counts toward the 1 year minimum) and is therefore eligible for FML.
- HR contacts employee to explain family medical leave, if employee is eligible, including information regarding leave usage and insurance costs
- Provide employee with the “Rights & Responsibilities Form” and the required medical forms, and give the employee a date by which the forms must be returned (15 days)
- When HR receives the forms requesting FML, review forms for approval by verifying:
  - Employee has not used the maximum amount of FML available for the year (12 weeks, or equivalent number of hours)
  - Employee is requesting leave either for themselves or for a qualifying family member
  - Doctor has completely filled out the form, specifically the following questions:
    - 1. Has the employee or employee’s immediate family member been admitted to the hospital, and/or been prescribed medication or other continuing course of treatment (e.g. PT, counseling) for this condition?
    - 5. Is the leave required intermittently, or full-time for a specific period of time? If so, what are the dates specified, and when is the employee expected to return to work?
    - 6. Will ongoing treatment be necessary? If so, what is the estimated treatment schedule?
    - 7. For intermittent leave, including intermittent flare ups, what is the estimated frequency and duration of the needed absences from work?
- Send the federal Designation Notice and letter notifying the employee that their leave has been denied, or approving FML, outlining frequency and duration for intermittent leave or dates of absence for continuous leave. Also send a copy of that notice to the supervisor, HR Manager, and payroll.

### Unpaid Medical Leave

- If an employee does not qualify for FML, or they are requesting leave which will extend beyond the 12 weeks, they may qualify for an unpaid leave of absence under the applicable Collective Bargaining Agreement if they will need to be out of work for a continuous period of time; intermittent leave is not eligible for an approved unpaid leave
- Employees who request an unpaid leave must provide HR with medical documentation equivalent to the information provided through FML
  - Based on the documentation provided, if leave request is due to a disability or medical condition which substantially limits the employee’s major life activities, and it is expected to be ongoing, the employee should be referred to the ADA process
- Once HR receives the request and medical documentation, HR will discuss the request with the appointing authority, without disclosing details of the medical documentation.

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- If unpaid medical leave is approved, send letter of approval including the dates of approved absence, and date employee is expected to return to work; copies of the approval go to supervisor, HR Manager, and payroll.
  
- If unpaid medical leave is denied, send letter of denial and refer to the ADA process