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# HR Helpdesk Monthly Web Ex Training

## Family Medical Leave Act FMLA Part II

May 25, 2011  
1:00 PM – 2:00 PM



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# FMLA

## Where to Start...

### Determine the employee's eligibility for FMLA

- Has this person been employed by the State for at least 12 months within the past 7 years?
- Has this person worked and been compensated for at least 1,250 hours during the 12-month period immediately preceding the leave- including worked overtime hours, but **not** including vacation, sick leave, holidays, other paid leave, or compensatory time?
- If part time faculty, is this person's FTE at .75 or greater per Academic Year?



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# FMLA – Things to Remember

- FMLA is charged ONLY for time that an employee is scheduled to work
  - ✓ Especially important for faculty during breaks
- For employees that are paid through eTimesheet, add a pre-approval of “FMLA Qualifying Leave” on the Jobs Tab in SCUPPS under eTime Set Up
- To track FMLA time used, payroll must establish an initial FMLA balance using earn code \*FM.

[SEMA4 Help Instructions](#)



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# Normal Process Flow for FMLA

- You become aware of an employee's absence due to an FMLA or potential FMLA reason:
  - Supervisor informs HR Office
  - Payroll clerk includes in normal bi-weekly reporting to the HR Office that this employee has used MORE than 24 consecutive hours or more than 3 consecutive days of sick leave.
  - Community Information, i.e. An obvious childbirth situation, a college fund raiser to help out a family with cancer treatments, etc.
- Determine if the employee is eligible for FMLA protected leave if this appears to be a valid FMLA reason.



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# Normal Process Flow for FMLA

- Write to the employee indicating that you have been made aware of a possible FMLA reason.
- Include a copy of the Employee's Rights and Responsibilities statement.
  - This is available at the end of the MMB Policy on FMLA and also from the DOL at:  
<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>
- Include Certification form for the Employee's Serious Medical Condition, a Family Member's Serious Medical Condition, Military Exigency, etc. as appropriate.  
<http://www.mmb.state.mn.us/hr-flma>



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# Normal Process Flow for FMLA

- Give the employee a 15 day deadline to return the completed documentation
- You may provisionally designate the employee's time off work as FMLA qualified – make certain you use the word “Provisionally”
- If you provisionally designate it as FMLA qualified time, you must inform the employee that you have done this. Provide the employee with a designation notice:

<http://www.dol.gov/whd/forms/WH-382.pdf>



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# Normal Process Flow for FMLA

- If the employee then contacts you and indicates the time off is not for an FMLA reason, you may issue a second designation notice that the time off work is not for an FMLA qualified reason.
- If you do not hear anything from the employee within the 15 day time frame, send the employee a certified letter indicating that they will lose any protection afforded by the FMLA if they do not submit the needed certification form. Wait another 5 - 7 days before you actually cancel the FMLA leave.



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# Normal Process Flow for FMLA

- If the employee does not respond within the additional 7 days, the employee's time off is no longer provisionally designated as FMLA.
- You must send the employee a designation notice that any further time off is not protected by the FMLA.
- If you receive the medical certification at a later date, the FMLA protected leave may start again at that time.



# Normal Process Flow for FMLA

- If the employee approached the HR Office with a request for FMLA leave:
  - Provide the employee with a Notice of Eligibility and Rights and Responsibilities:  
<http://www.dol.gov/whd/forms/WH-381.pdf>
  - Include notice of the 15 day deadline for return of the medical certification form.
  - The year for FMLA leave is 7/1 to 6/30
  - Always require employees to use sick leave, except when the Parental Leave Law applies (see FMLA part1), or when sick leave use is not permitted under the applicable union contract or plan
  - Always require a Fitness to Return to Work Statement



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# Normal Process Flow for FMLA

- Provide the employee with the Medical Certification form that fits the employee's request for FMLA leave:
  - Employee's serious medical condition
  - Family member's serious medical condition
  - One of the two forms that are available for military related leave situations
  - <http://www.mmb.state.mn.us/hr-flma>
- Remember that the medical forms must be provided to the employee, not the medical practitioner, and the employee must return it to you. If the medical provider does not complete the form, it is up to the employee to pursue completion with the medical provider.



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# Normal Process Flow for FMLA

- Once the Medical Certification form is received, you have 5 days to inform the employee if the absence will be FMLA protected leave or not.
- Provide the employee with the Designation Notice:  
<http://www.dol.gov/whd/forms/WH-382.pdf>  
You may designate the leave as FMLA retroactively. (No harm clause)
- Make the coding changes in SCUPPS



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# Normal Process Flow for FMLA

- At the end of the FMLA leave, the employee should submit a Fitness Statement in order to return to work.
- If the employee does not provide a fitness statement, you may refuse to return the employee to work and deny reinstatement.
  - Treat all similarly situated employees the same

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# FMLA – Coding Basics

- **All FMLA must be recorded in SCUPPS**
  - Paid FMLA
    - Use assignment type code 4018 – paid FMLA
    - No change to disbursement
  - Unpaid FMLA
    - Use assignment type code 4019 - unpaid FMLA
    - Change disbursement to reflect 0% of pay rate
    - must also be recorded in SEMA4
  - Use of FMLA Paid or Unpaid reduces FMLA available balance
  - Refer to [SEMA4 Help](#) for Action Reasons



# FMLA Coding

- Example of Paid and Unpaid FMLA –

s:

Begin	End	Assignment Type	Pct	Days	Hours	Cr	Salary	FTE
12/25/2010	06/30/2011	1001 Regular	100.00	134	1072.00	0.00	15,940.87	0.513
(private)								
12/13/2010	12/24/2010	4019 Unpaid FMLA	100.00	10	80.00	0.00	0.00	0.038
(private)								
10/27/2010	12/12/2010	4018 Paid FMLA	100.00	33	264.00	0.00	3,925.74	0.126
(private)								
07/01/2010	10/26/2010	1001 Regular	100.00	84	672.00	0.00	9,992.78	0.322
(private)								
Totals:							29,859.39	0.999

Use action/reason LOA/SC9 to interface unpaid leave to SEMA4



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# FMLA and Work Comp

## Time off for Work Comp may also be FMLA qualified

- FMLA runs concurrently with Work Comp time off
- Upon expiration of FMLA qualified leave, employee is placed on Work Comp leave, either paid or unpaid
- Employer paid insurance continues after FMLA expires due to Work Comp payment status
  - If the employee's work comp payments cease, the employer paid insurance also stops
  - [SEMA4 Help Additional Info](#)



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# FMLA and Work Comp

## Basic Information

**Although they run concurrently, FMLA leave is always recorded before workers comp.**

- All *paid* FMLA qualified leave is coded using *assignment type code 4018* - paid FMLA.
- All *unpaid* FMLA leave is coded using *assignment type code 4019* - unpaid FMLA.
- If 12 weeks of FMLA are *exhausted*, and no leave balances remain, use *assignment type code 4017* - unpaid Medical/Disability Leave.
  - Add a description to the assignment to reflect the workers comp.



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# Paid FMLA and Work Comp

- If an employee is using paid FMLA along with work comp, you'll need to first add the paid FMLA (4018) assignment at approx 33 % with the amount the **campus** will pay the employee
- Next add the work comp (4013) assignment at 0% of the actual number of days. This will ensure that the FTE reflects correctly for retirement purposes. Enter the amount of the work comp payment in the comment section.

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# FMLA and Work Comp

## Paid FMLA and Work Comp

Quick Date	Begin	End	Assignment Type	Pct	Days	Hours	Cr	Salary	FTE	
<input type="text" value=""/>	<input type="text" value="03/30/2011"/>	<input type="text" value="06/30/2011"/>	<input type="text" value="1001"/> Regular	<input type="text" value="100.00"/>	<input type="text" value="67.00"/>	<input type="text" value="536.00"/>	<input type="text" value="0.00"/>	<input type="text" value="11,304.26"/>	<input type="text" value="0.257"/>	
(description)	(private)									
<input type="text" value=""/>	<input type="text" value="03/02/2011"/>	<input type="text" value="03/29/2011"/>	<input type="text" value="4018"/> Paid FMLA	<input type="text" value="33.00"/>	<input type="text" value="20.00"/>	<input type="text" value="52.80"/>	<input type="text" value="0.00"/>	<input type="text" value="1,113.55"/>	<input type="text" value="0.025"/>	
(description)	(private)									
<input type="text" value=""/>	<input type="text" value="03/02/2011"/>	<input type="text" value="03/29/2011"/>	<input type="text" value="4013"/> Workers Comp	<input type="text" value="0.00"/>	<input type="text" value="20.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.000"/>	
(description)	(private)									
<input type="text" value="Work Comp Payment amount of \$2260.85"/>						<input type="text" value=""/>				
<input type="text" value=""/>	<input type="text" value="07/01/2010"/>	<input type="text" value="03/01/2011"/>	<input type="text" value="1001"/> Regular	<input type="text" value="100.00"/>	<input type="text" value="174"/>	<input type="text" value="1392.00"/>	<input type="text" value="0.00"/>	<input type="text" value="29,357.33"/>	<input type="text" value="0.667"/>	
(description)	(private)									
Add detail										
								Totals:	<input type="text" value="41,775.14"/>	<input type="text" value="0.949"/>

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# Unpaid FMLA and Work Comp

- If an employee is using unpaid FMLA along with work comp, you'll need to first add the unpaid FMLA (4019) assignment at 0 % using the actual number of days
- Next add the work comp (4013) assignment, again at 0% of the actual number of days. This will ensure that the total FTE reflects accurately for retirement. Enter the amount of the work comp payment in the comment section.

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# FMLA and Work Comp

## Unpaid FMLA and Work Comp

Begin	End	Assignment Type	Pct	Days	Hours	Cr	Salary	FTE
03/30/2011	06/30/2011	1001 Regular	100.00	67.00	536.00	0.00	11,304.26	0.257
(private)								
03/02/2011	03/29/2011	4019 Unpaid FMLA	0.00	20.00	0.00	0.00	0.00	0.000
(private)								
03/02/2011	03/29/2011	4013 Workers Comp	0.00	20.00	0.00	0.00	0.00	0.000
(private)								
07/01/2010	03/01/2011	1001 Regular	100.00	174.00	1,392.00	0.00	29,357.33	0.667
(private)								
Totals:							40,661.59	0.924

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# FMLA and Work Comp

- When an employee has a continued medical need to be on leave, has chosen not to supplement with leave or has exhausted their 12 weeks of FMLA, and has no leave balances remaining, they should be put on unpaid medical/disability leave.
  - Assignment type code *4017*.

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# FMLA and Workers Comp

## FMLA and Unpaid Medical /Disability Leave

Assignment Details.

Quick Date	Begin	End	Assignment Type	Pct	Days	Hours	Cr	Salary	FTE	
<input type="text" value=""/>	<input type="text" value="03/30/2011"/>	<input type="text" value="06/30/2011"/>	<input type="text" value="4017"/> Unpd Med Lv <input type="text" value=""/>	<input type="text" value="100.00"/>	<input type="text" value="67.00"/>	<input type="text" value="536.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.000"/>	
	(description)		(private)							
<input type="text" value=""/>	<input type="text" value="03/02/2011"/>	<input type="text" value="03/29/2011"/>	<input type="text" value="4018"/> Paid FMLA <input type="text" value=""/>	<input type="text" value="33.00"/>	<input type="text" value="20.00"/>	<input type="text" value="52.80"/>	<input type="text" value="0.00"/>	<input type="text" value="1,113.55"/>	<input type="text" value="0.025"/>	
	(description)		(private)							
<input type="text" value=""/>	<input type="text" value="03/02/2011"/>	<input type="text" value="03/29/2011"/>	<input type="text" value="4013"/> Workers Comp <input type="text" value=""/>	<input type="text" value="0.00"/>	<input type="text" value="20.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>	<input type="text" value="0.000"/>	
	(description)		(private)							
<input type="text" value="Work Comp Payment amount of \$2260.85"/>				<input type="text" value=""/>						
<input type="text" value=""/>	<input type="text" value="07/01/2010"/>	<input type="text" value="03/01/2011"/>	<input type="text" value="1001"/> Regular <input type="text" value=""/>	<input type="text" value="100.00"/>	<input type="text" value="174.00"/>	<input type="text" value="1,392.00"/>	<input type="text" value="0.00"/>	<input type="text" value="29,357.33"/>	<input type="text" value="0.667"/>	
	(description)		(private)							
	Add detail									
								Totals:	<input type="text" value="30,470.88"/>	<input type="text" value="0.692"/>



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# Intermittent use of FMLA

- FMLA intermittent leave must meet the same qualifying criteria as regular FMLA leave and must be granted if there is a Dr's certification that it is medically necessary
- Intermittent FMLA may be used by an employee returning to work on a reduced schedule
- Intermittent FMLA for qualifying military exigency and all other cases **except** birth/adoption, must be granted



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# Intermittent use of FMLA

## SCUPPS Coding

- Intermittent use of FMLA requires two concurrent lines that equal 100 % of the employee's total assignment be entered in SCUPPS
  - First row is the primary assignment
  - Second row is the paid or unpaid FMLA assignment
    - If paid FMLA, no change in disbursement
    - If unpaid FMLA, disbursement will need to be adjusted accordingly



# Intermittent Use of FMLA

- Example of coding for intermittent use of FMLA

is:

Begin	End	Assignment Type	Pct	Days	Hours	Cr	Salary	FTE
10/14/2010	06/30/2011	1001 Regular	100.00	186.00	1,488.00	0.00	25,816.94	0.713
(private)								
08/16/2010	10/13/2010	4018 Paid FMLA	25.00	43.00	86.00	0.00	1,492.11	0.041
(private)								
08/16/2010	10/13/2010	1001 Regular	75.00	43.00	258.00	0.00	4,476.32	0.124
(private)								
07/01/2010	08/15/2010	1001 Regular	100.00	32.00	256.00	0.00	4,441.62	0.123
(private)								



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# FMLA Online Resources

## Online Resources

- [HR Online Help Non-Insurance Benefits](#)
- [MMB Website – FMLA](#)
- [DOL Website](#)



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# Q and A from Web Ex Session

Q.) If timesheets have been coded as FMLA during the provisional period and the form is never received, should FMLA hours be reversed or stopped?

A.) Provisionally designated FMLA cannot be taken away once it has been granted.

Q.) If a late certification is received that reaches back – can we go back and change previously coded time to reflect FMLA?

A.) Yes, but talk to Labor Relations regarding the “No Harm” clause before doing so.



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# Q & A from Web Ex Session

Q.) When FMLA is initiated by employee, must we do a provisional designation?

A.) Depending on the situation, such as an emergency, you may provisionally designate FMLA.

Q.) Are un-worked work comp hours included in the 1250 hours used to determine eligibility for FMLA?

A.) No. Un-worked hours are not included.



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# Q and A from Web-Ex Session

Q.) When an employee is using FMLA, is it okay to leave the 7/1 – 6/30 regular assignment in SCUPPS and adjust the number of days as opposed to stopping the assignment and adding the appropriate FMLA assignments for the un-worked time?

A.) This is not okay. FMLA time off must be accurately recorded in SCUPPS.

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# Q and A from Web Ex Session

Q.) When someone takes intermittent leave a day or two at a time as opposed to working a part time schedule, how should we record this in SCUPPS?

A.) We suggest that you go back each pay period and make the necessary adjustments to the assignment to reflect the FMLA time off

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# Contact info for Additional Questions....

***For questions regarding eligibility for FMLA leave, medical statements, requests for recertification, etc...***

- Contact your Employee Relations Representative

***For questions regarding coding of FMLA leave in SCUPPS and SEMA4...***

- Contact the HR Helpdesk