What is FMLA?

Who is eligible for FMLA?

What reasons for leave qualify under FMLA?

What recent changes have been made to the FMLA?

How much time are employees allowed to take off under FMLA?

How does FMLA relate to pay?

What about employees who are not eligible for FMLA?
What is FMLA?

- Entitles eligible employees to job-protected leave for specified family and medical reasons
- Provides for the maintenance of benefits
- Guarantees reinstatement to the same or an equivalent position
- Helps employees balance work and family

Who is Eligible for FMLA?

- Employees who have worked for Collin College for a total of 12 months
  - (12 months do not need to be consecutive)

AND

- have worked at least 1,250 hours during the most recent 12 months
Reasons for Leave: Serious Health Condition

- Employee’s own serious health condition
- Care for a **spouse, child or parent** with a serious health condition

**Definition – Serious Health Condition:**
Illness, injury, impairment, or physical or mental condition that involves either:
- Inpatient care including any period of incapacity or subsequent treatment
- OR
- Continuing treatment by a healthcare provider

Reasons for Leave: Bonding With a Child

- “Bonding” leave may be taken by an employee for:
  - Birth of his or her own child
  - OR
  - Placement of a child with the employee for adoption or foster care

- Leave must conclude within 12 months of the birth or placement of the child
- If both spouses work for the same employer, they may take up to a combined total of 12 weeks
NEW Reasons for Leave: 2008 Family Military Leave Amendment

- The National Defense Authorization Act of 2008 expanded the FMLA to allow:
  - **12 weeks** of leave during a 12-month period due to a qualifying exigency arising out of a call to active duty
  - **26 weeks** of leave during a 12-month period to care for a family member injured or ill as a result of service in the military

Reasons for Leave: Qualifying Exigency

- Qualifying exigencies include:
  - Short-notice deployment
  - Military events and related activities
  - Childcare and school activities
  - Counseling
  - Financial and legal matters
  - Periods of rest and recuperation
  - Post-deployment activities
  - Other activities
Reasons for Leave: Caring for a Servicemember

- Eligible employees include the spouse, son, daughter, parent, or next of kin.
- To care for a covered family member in the armed forces who is:
  - Undergoing medical treatment, recuperation, or therapy
  - In military outpatient treatment
  - On the temporary disability retired list

How much time are employees allowed to take off under FMLA?

- Up to 12 weeks of leave for:
  - Birth, adoption, or foster placement of a child
  - Care of a covered family member with a serious health condition
  - An employee’s own serious health condition
  - A qualifying exigency

- Up to 26 weeks of leave for:
  - Care of a covered family member who is injured or ill as a result of service in the military
Are employees allowed to take intermittent leave?

- Intermittent Leave is permitted for:
  - Serious health conditions
  - Family military leave
  - Collin College policy also allows intermittent leave for the care of a newborn child or upon the adoption or placement of a child with the employee

Notify HR at least 30 days prior to start of leave (or as soon as need for leave is known)

- Keep HR/Supervisor updated of any changes in leave status
  - Note: Employees are not required to inform their supervisor of the specific reason for leave

Review FMLA and Collin College policies and complete necessary documentation
  - Request for Leave
  - Certification of Healthcare Provider (within 15 days)
  - Return to Work Release (if applicable)
  - Copy of time sheet or application for leave forms
  - List FMLA hours on time sheet as “FMLA or LOA” and the # of hours – no need to indicate type of pay since that is submitted to payroll by HR
**Supervisor’s Responsibility**

- Notify HR Consultant immediately of any possible medical leaves
  - **Remember:** FMLA starts on the first day of missed work, NOT after paid leave is exhausted
- Assist with tracking time their employees take off from work for FMLA qualifying reasons
- Ensure employees are following any Dr. recommended restrictions upon their return
- **Keep employee FMLA issues strictly confidential!**
  - Do not share any details of the employee’s condition or reason for leave with his/her co-workers
  - Supervisor may say employee is out of the office, but do not indicate he/she is on FML or why

**HR’s Responsibility**

- Inform employees of rights and responsibilities under FMLA as well as Collin College policies
- Ensure employees return required documentation and review to determine eligibility for FMLA
- Provide written Employer Response forms to employees
  - Eligibility, Rights and Responsibilities Notice
  - Designation Notice
- Keep supervisor informed of employee’s FMLA status
- Track time employees take off for FMLA and submit leave forms to payroll
- Keep employee FMLA related issues strictly confidential
How does FMLA relate to pay?

- FMLA is unpaid; however, Collin College policy requires employees to substitute available paid leave for unpaid leave (they run concurrently)
  
  1. Worker’s Compensation (if applicable)
  2. Sick Leave (if applicable)
  3. Comp time (if applicable)
  4. Earned Vacation (credit vacation may not be used during a medical leave of absence)
  5. Personal Leave
  6. Sick Leave Pool (if eligible)
  7. Leave without pay (if necessary)
  8. Short-term disability (if applicable, STD begins after all available paid leave is exhausted and 30 day elimination period)

What about employees who are not eligible for FMLA?

- Leave is not protected under FMLA; however,
  
  ◦ Eligibility for time off from work is based on Collin College’s leave policies
  ◦ Employees who are not eligible for FML may only take leave for their own serious health condition
  ◦ Appropriate documentation is still required and HR must be notified
  ◦ Employees on an approved non-FML medical leave may use available earned paid leave plus up to 20 days LWOP
We are here to help

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For Additional Information Visit:

• Collin College Leave Benefits Website
  • http://iws2.collin.edu/hr/benefits/leavebenefits.htm

• Collin College Leaves and Absences Board Policy
  • DEC (LOCAL)
    • Compensation and Benefits—Leaves and Absences

• United States Department of Labor (FMLA)
  • http://www.dol.gov/esa/whd/fmla/