



FMLA and Reed Group for Managers/Supervisors

DAS-HRE
November 2015

Family and Medical Leave Act

- ▶ Federally mandated law passed in 1993.
- ▶ Employee benefit that provides job protection and continued health care coverage during qualified leave.
- ▶ Employee does not choose when FMLA is designated.
- ▶ Employers are responsible for designating FMLA if a qualifying condition is known.



Family and Medical Leave Act

Provides eligible employees up to 12 weeks of unpaid, job-protected leave and continued group health insurance benefits for the following reasons:

- **Pregnancy and birth of a child** – including prenatal appointments and newborn care
- **Adoption or foster placement**
- **Care of family member** – spouse, child (under 18), parent with a serious health condition (SHC), or adult child incapable of self-care
- **Employee's own Serious Health Condition (SHC)** – inability of the employee to perform the functions of his/her job due to an SHC
- **Qualifying Exigency Leave** – military family member
- **Military Caregiver Leave** – seriously injured or ill servicemember or veteran (up to 26 weeks)



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Who is Reed Group?

Reed Group is a leading 3rd-party administrator in the absence management industry.

Effective July 1, 2015, the State of Iowa contracted with Reed Group to manage **FMLA and Military Leave** for State of Iowa Centralized Payroll and Department of Transportation (DOT) employees.

Benefits include:

- **Consistency** in FMLA case management
- **Compliance** with Federal regulations
- **Confidentiality** – Managers and supervisors no longer review employee's medical information for FMLA



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What has changed?

Federal FMLA requirements remain the same.

- ▶ **Absence reporting**
 - Employees must report their absences per their agency's attendance policies and procedures.
 - FMLA-qualifying absences (including Work Comp absences) and Military Leave must also be reported to Reed Group.
- ▶ **Administration** – Reed Group provides all required FMLA notifications, documentation, forms, and follow up.
- ▶ **Case management** – Reed Group determines FMLA eligibility, manages certification process, makes FMLA determinations, and tracks leave used.



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Reed Group's Role – FMLA

- ▶ Verifies employee **eligibility** status for FMLA
- ▶ Issues, receives, and reviews **required paperwork**
- ▶ Makes FMLA **determinations** (approves/denies FMLA leave)
- ▶ Sends **notifications** throughout process – including FMLA leave balance and leave exhaustion
- ▶ Tracks employee FMLA **leave balance** for Managers/Supervisors
- ▶ Maintains **employee privacy**



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Leave Reporting Process



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FMLA Leave Reporting

- ▶ **What to report** - FMLA-qualifying absences (including Work Comp absences) must be reported to Reed Group, whether the absence is taken as paid or unpaid leave.
- ▶ To identify potential FMLA-qualifying conditions, refer employees to

FMLA Decision Tree

located on the State of Iowa's FMLA webpage
<https://das.iowa.gov/human-resources/FMLA>

Bookmark this site - Additional resources include contact information for Reed Group, reference material, and live link to **LeavePro**, Reed Group's online self-service portal.



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FMLA Leave Reporting

▶ How to report:

- FMLA-qualifying absences be initiated via Reed Group's dedicated **toll-free telephone # (844) 507-5393** (answered 8a-8p, M-F; voicemail left after hours will be returned the next business day)
- Additional absences for open intermittent FMLA leave cases should be reported and monitored via **LeavePro, Reed Group's online self-service portal** - StateofIowa.LeavePro.com
- Resources available: <https://das.iowa.gov/human-resources/fmla>



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FMLA Leave Reporting

▶ When to report:

- **Employees** must report their FMLA-qualifying absences to Reed Group within:
 - 30 calendar days before an FMLA-qualifying absence, or
 - 48 hours (2 calendar days) after the start of an FMLA-qualifying absence
- Managers/Supervisors/HR contacts have up to 2 weeks to report an employee absence if an employee fails to do so.
- After 2 weeks, requests for Exceptions due to extenuating circumstances must be made to the agency HR contact who will forward the request to the FMLA Program Manager at FMLA@iowa.gov.



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FMLA Leave Process

- ▶ **Workflow/Roles** - handouts
- ▶ **Forms – State of Iowa** provides employees the following forms:
 - Leave Retention (employees may retain up to 80 hours of vacation time accrued prior to FMLA absence)
 - Return to Work (RTW) Certification (required for continuous absences due to employee's serious health condition)

(Leave Retention and RTW forms are available on DAS-HRE FMLA Webpage.)
- ▶ **Essential job functions** (to return to work from continuous or intermittent absences due to employee's serious health condition)
- ▶ **Forms – Reed Group** sends the following within 5 business days of reported absence:
 - Eligibility Letter
 - Certification of Health Care Provider (CHCP) Form
 - Employee Rights and Responsibilities

Timesheets/Time Reporting

Time Reporting

- ▶ **Provisional Approval** – FMLA is provisionally approved during the certification process. Time should be recorded as FMLA leave; HR contacts will make timesheet corrections if FMLA is later denied.
- ▶ **FMLA time types** – “Time types” vary by union and must be recorded properly in the time reporting system. For a listing of FMLA time types in HRIS, refer to the User Guides on the DAS-SAE website (handout).
- ▶ **Holidays** – Holidays occurring during periods of continuous FMLA leave will be designated as FMLA leave and should be recorded accordingly.

Holidays occurring during periods of intermittent FMLA leave will not be designated as FMLA leave unless the employee was scheduled and expected to work during the holiday.



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Time Reporting

- ▶ **Mandatory Overtime** – FMLA applies to any overtime hours not worked due to an FMLA-qualifying reason, if the overtime is mandatory and not voluntary.
 - FMLA entitlement is calculated based on the average weekly hours worked in the 12 months prior to the first FMLA absence. (HR contacts will calculate entitlement for the first FMLA leave request.)
- ▶ **Time Increments** – Absences should be reported to Reed Group in the same increments used to record absences in the agency's time reporting system.
 - EX: An absence of 13 minutes would be reported to Reed Group as 13 minutes if the employee's agency reports to the minute, or 15 minutes if the employee's agency reports to the quarter hour.



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Time Reporting

- ▶ **Reconciliation** - Notifications and/or LeavePro reports can be used when approving timesheets.

Recommended LeavePro reports for timesheet reconciliation:

- Notification Changes Detail Report (for both Continuous and Intermittent absences)
- OR
- Leave Status Time Used (for Continuous absences)
- Intermittent Leave Certification (for Intermittent absences only)
- ▶ LeavePro reports and the payroll system should be reconciled by the Manager/Supervisor at the end of the pay period before approving timesheets.
- ▶ Discrepancies detected after the pay period should be reported to the HR contact for correction.



Time Reporting

- ▶ **Conversion Adjustments** - To account for calculation differences between Reed Group (LeavePro) and State of Iowa time reporting systems (HRIS/PAYN), corrections will need to be made periodically.

| Minute | Decimal | Minute | Decimal | Minute | Decimal | Minute | Decimal |
|--------|---------|--------|---------|--------|---------|--------|---------|
| 1 | .02 | 16 | .27 | 31 | .52 | 46 | .77 |
| 2 | .03 | 17 | .28 | 32 | .53 | 47 | .78 |
| 3 | .05 | 18 | .30 | 33 | .55 | 48 | .80 |
| 4 | .07 | 19 | .32 | 34 | .57 | 49 | .82 |
| 5 | .08 | 20 | .33 | 35 | .58 | 50 | .83 |
| 6 | .10 | 21 | .35 | 36 | .60 | 51 | .85 |
| 7 | .12 | 22 | .37 | 37 | .62 | 52 | .87 |
| 8 | .13 | 23 | .38 | 38 | .63 | 53 | .88 |
| 9 | .15 | 24 | .40 | 39 | .65 | 54 | .90 |
| 10 | .17 | 25 | .42 | 40 | .67 | 55 | .92 |
| 11 | .18 | 26 | .43 | 41 | .68 | 56 | .93 |
| 12 | .20 | 27 | .45 | 42 | .70 | 57 | .95 |
| 13 | .22 | 28 | .47 | 43 | .72 | 58 | .97 |
| 14 | .23 | 29 | .48 | 44 | .73 | 59 | .98 |
| 15 | .25 | 30 | .50 | 45 | .75 | 60 | 1.00 |



LeavePro Self-Service Portal



LeavePro – Peer Relationships

- ▶ Managers/Supervisors can see direct reports' leave status, generate reports, and receive email notifications.
- ▶ Peer Relationships allow non-managers/supervisors/HR to view leaves and generate reports.
- ▶ Peers do not receive email notifications.
- ▶ LeavePro allows one HR contact per agency, but multiple “peers.”
- ▶ Email the state FMLA Program Manager at FMLA@iowa.gov to request peer relationships.



LeavePro – Notifications

- ▶ Once leave is initiated, status notifications will be sent to the Employee, Manager/Supervisor, and HR contact throughout the leave process.
- ▶ Employee and Manager/Supervisor/HR receive different content.

No medical information will be included in notifications sent to Managers/Supervisors and HR contacts.

- ▶ Managers, Supervisors, and HR contacts should use their State of Iowa email address when registering in LeavePro to ensure employee FMLA leave notifications are received at work.
- ▶ Notices are always available as .pdfs in LeavePro.



LeavePro – Reports

- ▶ **Standard Operational Reports:** Estimated Return to Work (RTW), Closed Leave, New Leaves Received, Open Leave Inventory, Notifications and Changes Summary/Detail, Employee Lost Days Summary, Exhausted Denied, Restriction Accommodations Detail, Registered Portal Users
- ▶ **Scheduled reports:** Allow Managers/Supervisors to have routine reports generated and emailed on a recurring basis.
- ▶ **Ad hoc reports:** Provide one-time report with flexible time frame parameters (by pay period, weekly, monthly, etc.).
- ▶ For a list of LeavePro notifications, definitions, report samples, and instructions, see LeavePro management resources on the DAS-HRE FMLA webpage (<https://das.iowa.gov/human-resources/fmla>).



Key Points and Special Circumstances



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Key Points

- ▶ **FMLA leave runs concurrently with paid leave.** It does not “pick up” when paid leave is exhausted.
- ▶ **The State requires appropriate paid leave to be exhausted before unpaid time is taken.** This includes accrued sick leave, vacation time, comp time, banked time, and/or IUP personal time (2 exceptions: care for family members and SPOC).
- ▶ **Employees can elect to retain up to 80 hours of vacation** each FMLA leave year. (Leave Retention forms are available on FMLA webpage.)
- ▶ **FMLA must be renewed annually.** This is not a recertification. Employees are responsible for any certification costs. FMLA claims previously approved for 6 months will be reviewed upon the employee's request and adjusted to one year if supported by the health care provider's original certification.

2nd Opinions may be requested on annual renewals.



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Pregnancy

- ▶ **Pregnancy and recovery from child birth** are considered serious health conditions for FMLA purposes.
- ▶ **Routine prenatal doctor visits** are covered under FMLA. The first absence from work due to a pregnancy should be reported to Reed Group, not at the time of delivery.
- ▶ **Bonding** is a separate leave type.



Pregnancy Disability Leave (PDL)

- ▶ **Iowa Pregnancy Disability Leave (PDL)** is job protection available for medical conditions related to a pregnancy when FMLA is not available because:
 - The employee is not eligible for FMLA.
 - FMLA has been exhausted.
- ▶ PDL can only be used by the mother for delivery; cannot be used for bonding.
- ▶ There are no time reporting codes for PDL. When Reed Group approves PDL leave, the timesheet should reflect sick, vacation, compensatory time used, or medical leave without pay.



Workers' Compensation

- ▶ Reed Group receives weekly Workers' Compensation (WC) file from Sedgwick (3rd-party administrator)
 - If WC claim is **approved**:
 - then pending FMLA claims are approved (no CHCP required)
 - if no FMLA claim exists, an FMLA claim is opened and approved; FMLA eligibility AND determination notifications triggered
 - If WC claim is **denied**:
 - then pending FMLA claims will require CHCP
 - if no FMLA claim exists, an FMLA claim is opened; eligibility notifications/CHCP triggered
 - If WC claim is **pending**:
 - then FMLA claims remain pending until WC is confirmed or CHCP received
 - if no FMLA claim exists, an FMLA claim is opened; eligibility notifications/CHCP triggered



Unexcused Absences

- ▶ Primary purpose of FMLA is to provide employee job protection during leave due to family and medical conditions.
- ▶ Employees cannot be disciplined for using FMLA.
- ▶ However, an absence is subject to discipline if a provisionally-approved FMLA leave without pay is later denied by Reed Group and therefore considered an "unexcused absence."
- ▶ Follow agency's progressive discipline policy for unexcused absences.
- ▶ Involve Personnel Officer in these circumstances, as soon as possible.
- ▶ **Warning:** Before taking any disciplinary action for employees who have an FMLA status, contact the FMLA Program Manager to ensure that the employee is not entitled to protection for the absence.



Questions that can be asked

- ▶ 1. What is the reason for the absence?
- ▶ 2. Have you seen, or will you see, a doctor for the condition?
 - a. If for a family member, have they or will they see a doctor for the condition?
- ▶ 3. What are the dates of the actual or anticipated absence?
- ▶ 4. When did you first know you would need the absence?
- ▶ 5. Why can't you perform your job? (Don't ask if leave is for family member or military FMLA.)
- ▶ 6. Have you previously taken leave for this condition? If so, when?



Overtured Denials

- ▶ **Failure to Provide Certification:** FMLA leave may be denied for failure to provide certification.
- ▶ Per Federal Regulations, an FMLA leave denial based on incomplete paperwork may be overturned once completed paperwork is received.
- ▶ In such cases, Reed Group will:
 - **Approve** the first day absent (FDA) up to day 18 of the absence (15-day certification period, plus 3 days for mail), and
 - **Deny** day 19 through the date paperwork was received
 - **Approve** days following receipt of completed paperwork



Overtured Denials – Examples

- ▶ **Bob** – absent 84 days. Files for FMLA. Receives required forms.
 - Days 1–18: provisionally approved.
 - Bob does not submit CHCP.
 - Day 19: FMLA denied. Leave not protected.
 - Day 30: CHCP submitted. Reed Group receives and reviews.
 - Days 19 through 29: remain denied.
 - Days 30 through 84: approved for FMLA.

- ▶ **Pete** – unexcused absence, 4 days. Files for FMLA. Receives forms.
 - Days 1–4: provisionally approved.
 - Pete does not submit CHCP.
 - Day 19: FMLA denied. Leave not protected.
 - If Pete later submits CHCP, denial may be overturned.
 - Disciplinary investigation ensues – ask whether CHCP was submitted.

Contact Personnel Officer for assistance.



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Special Circumstances

- ▶ **Exceptions for Late Reporting (Improper Leave Notice)** – Absences reported beyond the 2–day/48–hour window will be denied.
 - A Manager/Supervisor has up to 2 weeks to initiate leave on the employee’s behalf.
 - Beyond these reporting deadlines, exceptions can be made if extenuating circumstances exist.*

- ▶ **2nd opinions** – If a Manager/Supervisor has reason to doubt the validity of the use of FMLA leave, a 2nd opinion can only be requested after the eligibility notice is received and before FMLA leave is approved.*
 - 2nd opinions are obtained at the State’s expense.
 - Employee absences are provisionally approved pending 2nd opinion.

- **Requests for Exceptions, 2nd Opinions, Employer–Initiated Recertifications, or FMLA Designations must be submitted to the State FMLA Program Manager.**
 (Managers/Supervisors/HR contacts must submit in writing by email to FMLA@iowa.gov.)



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Special Circumstances

- ▶ **Employer-Initiated Recertifications** – If circumstances have changed or absences are inconsistent with existing certification, or an absence pattern exists, a Manager/Supervisor may request recertification at the employee's expense.*
Annual renewals are not recertifications.
- ▶ **Designations** – If an employee refuses to comply with FMLA reporting or return required documentation, FMLA leave may be designated if enough information is known to make an FMLA determination.*
- **Requests for Exceptions, 2nd Opinions, Employer-Initiated Recertifications, or FMLA Designations must be submitted to the State FMLA Program Manager.**
(Managers/Supervisors/HR contacts must submit in writing by email to FMLA@iowa.gov.)

Contact your Personnel Officer for assistance.



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Resources

Reed Group

- ▶ Toll-free: (844) 507-5393
 - Answered 8a-8p, M-F, Central Standard Time
 - Leave message between 8p-8a; calls are returned the next business day
- ▶ LeavePro: StateofIowa.LeavePro.com (online self-service portal)
- ▶ Email: StateofIowa@ReedGroup.com
- ▶ FAX: (720) 456-4790

DAS-HRE

- ▶ FMLA webpage: <https://das.iowa.gov/human-resources/FMLA>
Website Resources: FMLA Decision Tree, FAQs, LeavePro Training Videos and User Guides, FMLA Forms
- ▶ Email: FMLA@iowa.gov



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