



FAMILY AND MEDICAL LEAVE

STATE OF IOWA

AUGUST, 2015



Training for Human Resource contacts



Family and Medical Leave

FMLA requires the State of Iowa to provide up to 12 weeks of unpaid, job-protected leave and to maintain group health insurance benefits for eligible employees for the following reasons:

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

Reed Group

Effective July 1, 2015, the State of Iowa outsourced FMLA administration to Reed Group for State of Iowa Centralized Payroll and Department of Transportation (DOT) employees.

Benefits include:

- **Consistency** in FMLA case management
- **Compliance** with Federal regulations
- **Confidentiality** – State employees will no longer review employee's medical information for FMLA.

What is changing?

**Federal FMLA requirements remain the same.
Only the State's FMLA processes and procedures are changing.**

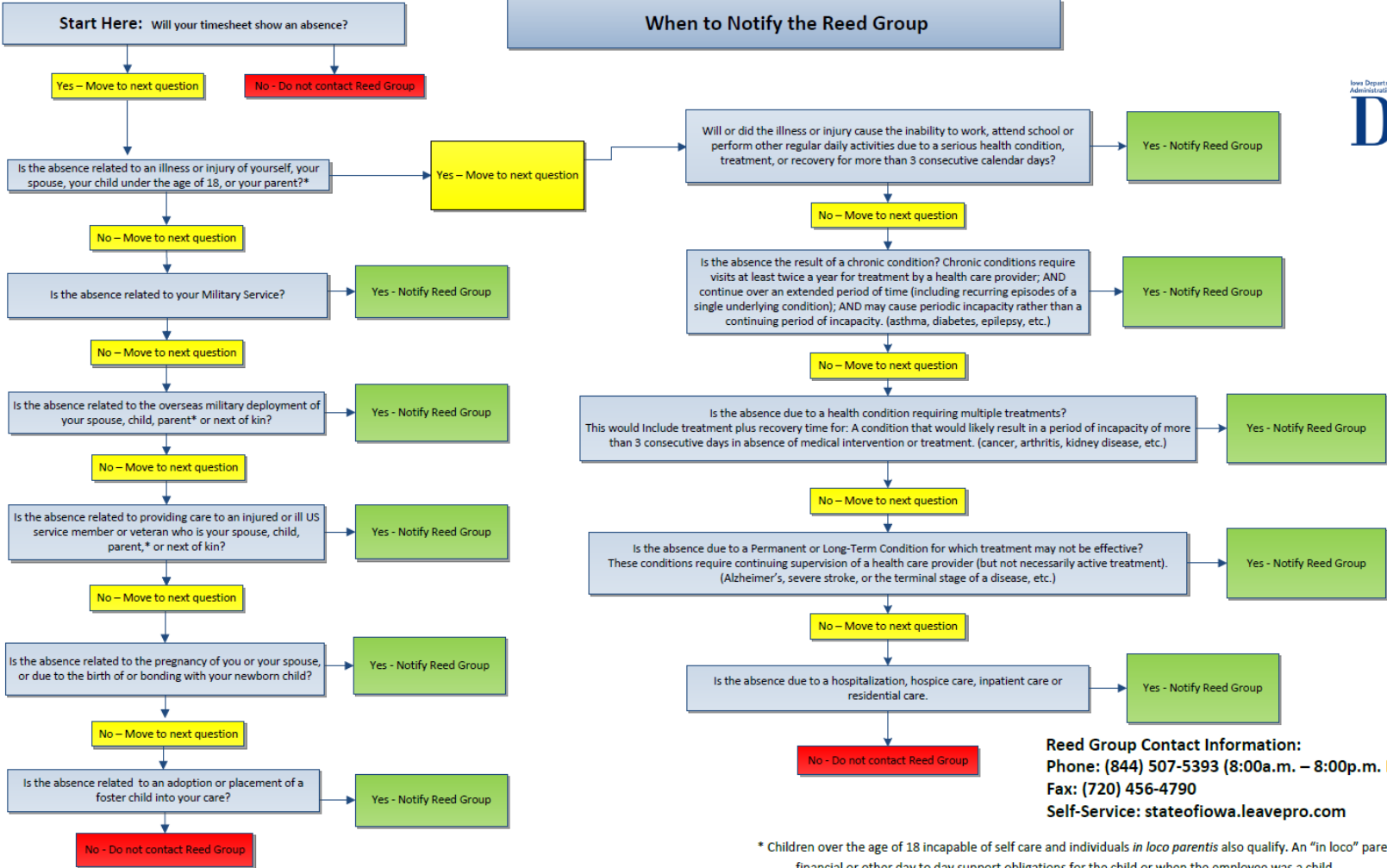
- **Absence reporting**
 - Employees must report all absences to their employer per their agency's attendance policies and procedures.
 - FMLA-qualifying absences must also be reported to Reed Group.
- **Administration** – Reed Group will provide all required FMLA notifications, documentation, forms and follow up.
- **Case management** – Reed Group will determine FMLA eligibility, manage certification process, make FMLA determinations, and track leaves.

FMLA Decision Tree

- To help employees, managers and supervisors identify when to contact Reed Group, an FMLA Decision Tree was developed.
- The FMLA Decision Tree and additional resources are available on the State of Iowa's FMLA webpage

<https://das.iowa.gov/human-resources/FMLA>

FMLA Decision Tree



* Children over the age of 18 incapable of self care and individuals *in loco parentis* also qualify. An "in loco" parent must have had financial or other day to day support obligations for the child or when the employee was a child.



FMLA Leave Reporting

- **What to report** – Consult the Decision Tree for all absences to determine when to contact Reed Group.
- **How to report** – As a Best Practice, it is recommended that:
 - Potential FMLA-qualifying absences be initiated via Reed Group’s dedicated toll-free telephone **(844) 507-5393** (answered 8am-8pm, M-F; after-hours voice mail)
 - Subsequent absences related to an FMLA certified condition can be reported and monitored via LeavePro, Reed Group’s online self-service portal – StateofIowa.LeavePro.com
- **When to report** – Absences must be reported to Reed Group within:
 - 30 calendar days before an FMLA-qualifying absence, or
 - 48 hours (2 days) from the start of an FMLA-qualifying absence

Reed Group Responsibilities

- **Determine employee eligibility** – To be “eligible” for FMLA, employees must have worked:
 - for the State for at least 12 months in the past seven years; and
 - at least 1,250 hours during the 12 months prior to the start of FMLA leave

Note: Employees who are not yet eligible must also report FMLA-qualifying absences. Reed Group will make eligibility determinations and retain records for future FMLA claims once an employee’s eligibility threshold is reached.

- **Issue required notifications and forms** – within 5 business days

Reed Group Responsibilities

- **Request a Certification of Health Care Provider (CHCP) form** for Serious Health Conditions.
 - The CHCP requires information that must be completed by both the employee and Health Care Provider
 - The completed CHCP must be returned to Reed Group within 15 calendar days from the employee's first date of absence or the date the leave is initiated, whichever is later.
- **Receive and review all documentation** to make an FMLA determination.
- **Provide notification of FMLA Approval or Denial within 5 business days** of receipt of complete and sufficient certification documentation.
- **Return incomplete forms and request additional information.** The employee has 7 calendar days to cure the deficiency or Reed Group may contact the provider directly.

Reed Group Notifications

- Reed Group will provide email notices to the employee, manager, supervisor, and human resources contact, for example:
 - Eligibility
 - Determination
 - Intermittent Time off Request
 - FMLA Leave Extension Request
 - Form Reminder (if no supporting documentation has been received)
 - Leave Exhaustion approaching
 - Leave Exhaustion confirmation
- Employees can choose to receive notices from Reed Group via U.S. Postal Service, personal email, or work email.
- Managers, supervisors and human resource contacts should use their State of Iowa email address when registering in LeavePro to ensure notifications re: employee FMLA leaves are received at work.

No medical information will be included in notifications sent to managers/supervisors and human resource contacts.



Return to Work

Employees

- Must notify Reed Group with return to work dates or to request leave extension
- Submit Return to Work (RTW) forms completed by their health care provider – authorizing the employee’s return to work or any restrictions – to their manager/supervisor

Human Resource Contacts

- Must provide Return To Work forms (available on FMLA webpage)
- Job description/Essential functions

Return to Work forms are only required following absences due to an employee’s Serious Health Condition.

STEP 1
Within 30 calendar days prior to an FMLA-qualifying absence or 2 days (48 hours) after the start of the absence, employee notifies Reed Group: 844-507-5393 (toll-free; answered 8a-8p, M-F).

STEP 2
Reed Group sends eligibility notification and certification paperwork to employee and management within 5 business days.
Certification forms must be completed by the employee and health care provider and returned to Reed Group within 15 calendar days.

STEP 3
Reed Group makes FMLA determinations based on completed paperwork and in compliance with law.

STEP 4
Reed Group sends determination notification to employee and management within 5 business days of receiving completed paperwork.

STEP 5
Reed Group remains in contact with all parties during the leave and provides ongoing notifications specific to the employee's FMLA leave.

STEP 6
Before returning from a Serious Health Condition, the employee requests a Return to Work (RTW) form and job description/essential duties from their HR contact.
The RTW form must be completed by the health care provider and returned to Supervisor. Case is closed or remains open as needed.

FMLA Leave Process

Key Points

- FMLA is not exercised at the employee's discretion – Federal FMLA regulations require the State to designate FMLA if sufficient information is known and FMLA applies to the absence.
- Regulations require employees to provide sufficient information to allow the employer, or its agent, to render an FMLA determination.
- All FMLA-qualifying absences must be reported to Reed Group so a determination can be made – As a third-party administrator, Reed Group is considered an agent of the State of Iowa (the employer).
- FMLA is provisionally approved during the certification/determination process.

Key Points

- FMLA leave runs concurrent with paid leave – it does not pick up when paid leave is exhausted. The State of Iowa requires employees to use accrued sick leave, vacation time, comp time, banked time, and/or IUP personal time as appropriate while on FMLA. (SPOC may elect unpaid.)
- Employees can elect to retain up to 80 hours of vacation once each FMLA leave year. (Leave Retention forms available on FMLA webpage.)
- FMLA must be re-certified annually. 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.
- Managers, supervisors or HRAs can notify Reed Group on an employee's behalf and *initiate* the FMLA certification/determination process for previously unreported absences.

Exceptions, 2nd Opinions, Designations

- **Late Reporting/Exceptions** – Absences reported beyond the 2-day/ 48-hour window will be denied unless there are extenuating circumstances. Exceptions can be made.*
 - **2nd opinions** – If a manager/supervisor has reason to doubt the validity of the use of FMLA leave, a 2nd opinion may be requested if the case is still in “pending” status.* 2nd opinions are obtained at the State’s expense, and employee absences are provisionally approved as FMLA pending the opinion.
 - **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.*
- * **Reed Group will only process requests for exceptions, 2nd opinions, or FMLA designations submitted by Sheryl Jensen, State FMLA Program Manager.** (Human resources contacts must submit manager and supervisor requests by email to Sheryl.Jensen@iowa.gov.)

Timesheets

- **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.

- **Mandatory Overtime** – FMLA applies to any overtime hours not worked due to an FMLA-qualifying reason if the overtime is mandatory and not voluntary.

Timesheets

- **Holidays** – Holidays occurring during periods of continuous FMLA leave will be designated as FMLA leave. 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.
- **Discrepancies** – LeavePro reports and the payroll system should be reconciled at the end of the pay period before approving timesheets. Any discrepancies should be corrected by the human resources contact.

Pregnancy, child birth, adoption, bonding

- Eligible employees are entitled to up to 12 weeks of FMLA for:
 - the birth, adoption or foster placement of a son or daughter
 - to bond with a son or daughter
 - or to care for a son or daughter with a serious health condition
- Pregnancy and recovery from child birth are considered serious health conditions for FMLA purposes. Bonding is a separate leave request.
- 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 time of delivery.
- If both parents are employed by the State and FMLA eligible, they are limited to a combined maximum of 12 weeks of leave during any 12-month period for bonding with a healthy child after birth, adoption or foster placement.

Resources

Reed Group

- Toll-free: 844-507-5393 (answered 8a-8p, M-F)
- Email: Stateoflowa@ReedGroup.com
- LeavePro online self-service portal: Stateoflowa.LeavePro.com
- Wallet Cards

DAS HRE

- FMLA webpage: <https://das.iowa.gov/human-resources/FMLA>

Website Resources: FMLA Decision Tree, FAQs, LeavePro Training Videos, FMLA Forms

- DAS HRE FMLA email: FMLA@iowa.gov

FMLA Quiz ... True? or False?

- FMLA runs concurrently with paid leave.
- FMLA must be re-certified annually.
- Absences are FMLA-covered during the certification process.
- For the purposes of FMLA, pregnancy and recovery from birth are considered serious health conditions, and routine prenatal doctor visits are covered under FMLA.
- Absences must be reported to Reed Group within 30 calendar days *before* or 48 hours (2 days) *after* an FMLA-qualifying absence to determine whether FMLA is applicable.
- Qualified employees may retain up to two weeks (80 hours) of accrued annual leave (vacation) once each fiscal year.

(If you answered TRUE you are correct – all of the above are TRUE statements!)