

# Absence Management

Payroll Services Department

*August 21, 2019*

# Presentation Overview

*At the close of this presentation, you will understand:*

- ✓ What FMLA is, how it works and who is eligible for it
- ✓ Leave Types
- ✓ Employer coverage and employee eligibility for leave and benefits
- ✓ Which forms to use and when
- ✓ Returning back to work
- ✓ Returning back to work with restrictions - TTW
- ✓ Sick leave bank
- ✓ Workman's Compensation Claims

# Absence Management Team

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# Family and Medical Leave Act

## What is FMLA?

### Family and Medical Leave Act (FMLA)

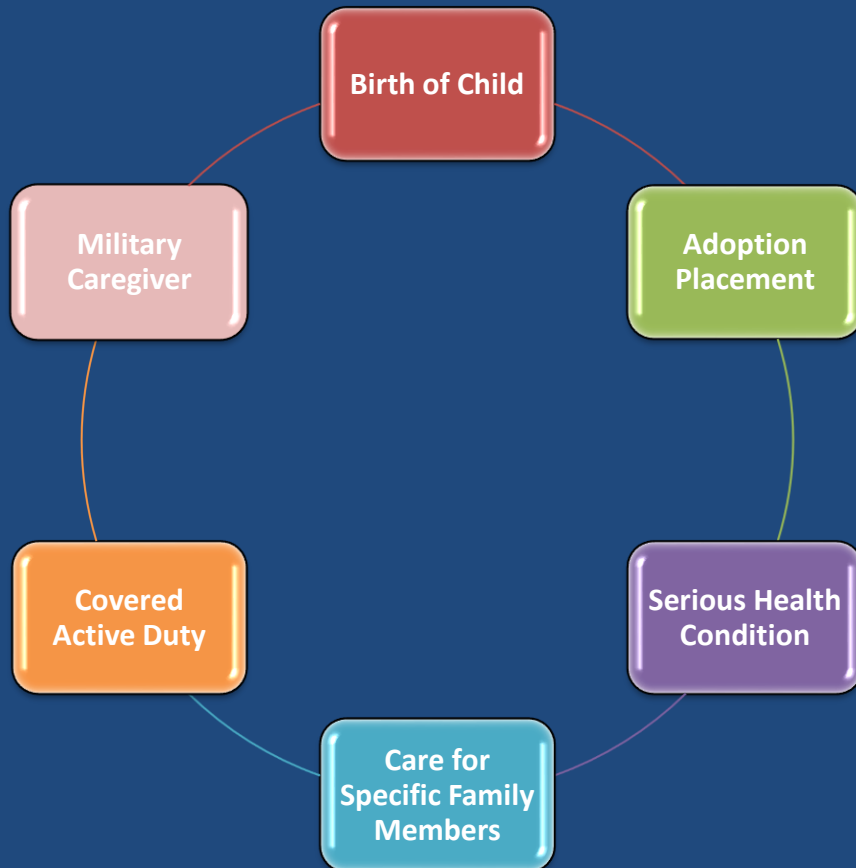
- FMLA is a labor law that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave
- FMLA was signed into law on August 5, 1993 by President Bill Clinton

### FMLA Key Points

- Unpaid
- Provides Job Protection
- Continues Health Insurance Coverage
- Only for specific family and medical reasons

# Family and Medical Leave Act

## Eligibility Requirements: Specific Family and Medical Reasons



### Birth of Child

- The birth of a child and to care for the newborn child within one year of birth

### Adoption Placement

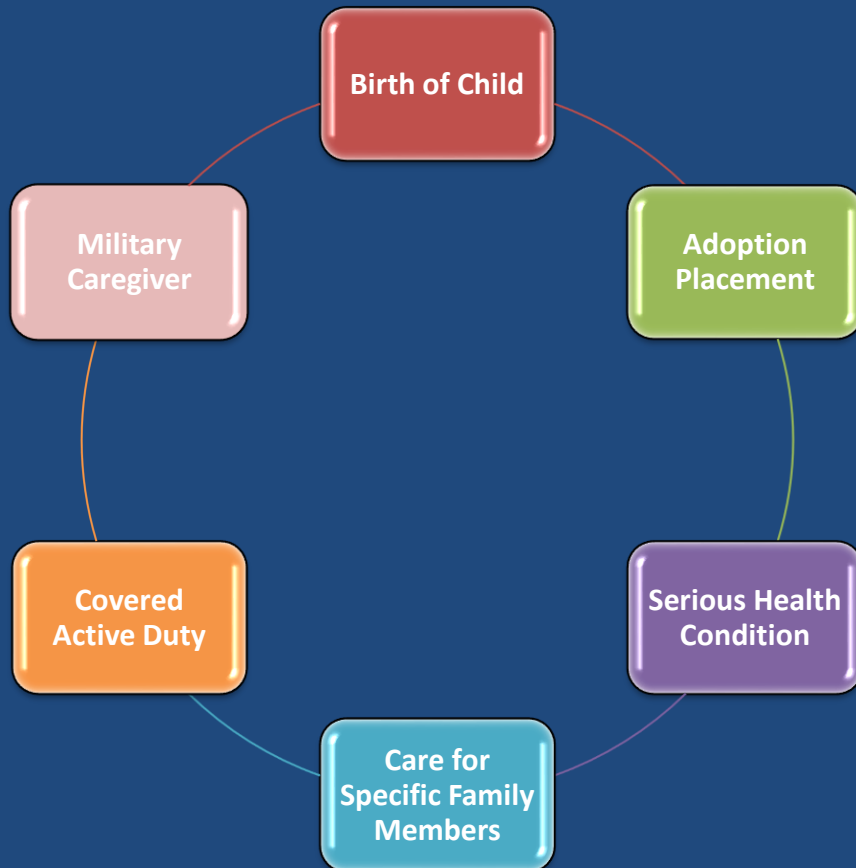
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement

### Serious Employee Health Condition

- A serious health condition that makes the employee unable to perform the essential functions of his or her job

# Family and Medical Leave Act

## Eligibility Requirements: Specific Family and Medical Reasons



### Care for Specific Family Members

- To care for the employee's spouse, child, or parent who has a serious health condition

### Covered Active Duty

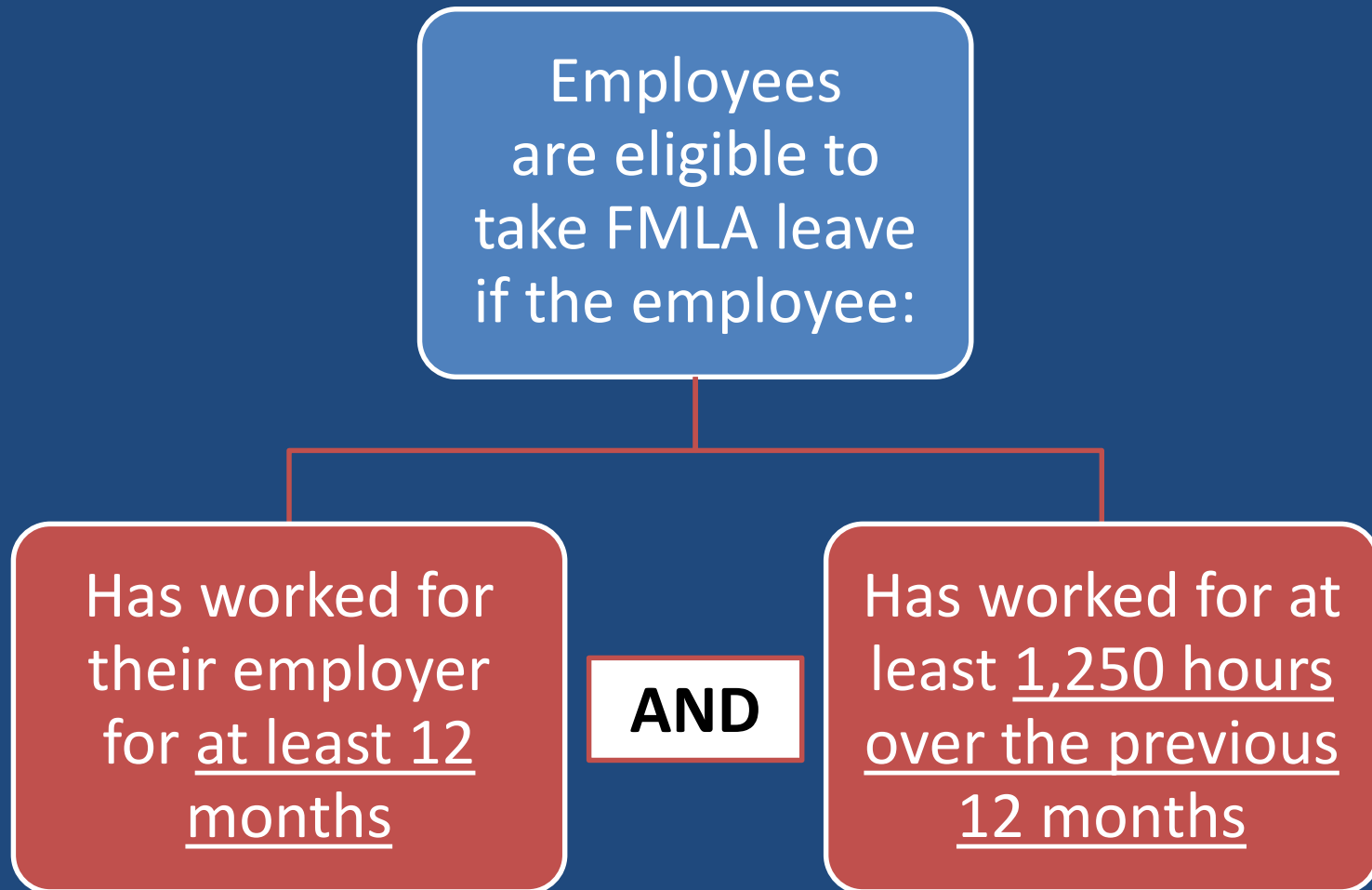
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"

### Military Caregiver

- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin

# Family and Medical Leave Act



## Eligibility Requirements: Employment Duration



# Family and Medical Leave Act

## Eligibility Requirements: Employment Duration

$$\text{Hours Worked}_{(\text{Previous 12 Months})} = \text{Contract Days} * \text{Standard Condition} - \text{Time Off}$$

- **Example 1:** Teacher is contracted to work 192 days with a standard condition of 7.5 hours per day and 200 hours of leave over the prior 12 months (excluding professional development days)
  - $192 \times 7.5 - 200 = 1,240$  hours worked
  - $1,240 < 1,250$   Ineligible for FMLA
- **Example 2:** School Secretary is contracted to work 200 days with a standard condition of 8.0 hours per day and 30 hours of leave over the prior 12 months (excluding professional development days)
  - $200 \times 8.0 - 30 = 1,570$  hours worked
  - $1,570 > 1,250$   Eligible for FMLA



# Family and Medical Leave Act

What FMLA is Not for!!!



# Leaves of Absence

## Non-Absence-Management Leaves

**Employees requesting the following leave types do not need to apply through Absence Management:**

- Annual Leave
- Personal Leave
- Vacation
- Leave for Court Appearances
- Bereavement Leave
- Illness and personal emergencies up to 10 duty days for PGCEA, ASASP, and Executives & Confidential Employees; and up to 15 duty days for local 2250 & Local 400 employees

Employees should enter these leave request through Oracle Self-Service after discussing the need for taking such leave with their Leave Granting Authority and presenting any needed documentation

Leave Granting Authority approves leave through Oracle Self-Service

# Leaves of Absence

## Leave Types

- FMLA
- LOA
- LWP
- LWOP
- SLB
- Pregnancy Leave\*
- Maternity/Paternity Leave
- Disability Leave
- Military Leave
- Extensions
- Extended leave
- Unpaid Leave



# Leaves of Absence

## Benefits During Approved Leave

- The federal Family and Medical Leave Act (FMLA) requires employers to maintain health benefits for employees who take FMLA leave. During the time period that the employee is out on leave, their group medical, dental and vision coverage will continue at the same level and under the same provisions that are in effect at the time their leave begins
- Understand that the employee is responsible for a portion of the premium(s) if the employee has exhausted all leave
- Arrangements and deductions for premium payments when returning back to work should be discussed with the benefits office

# Leaves of Absence

## Benefits During Approved Leave

- Health Insurance
  - I wish to continue my health insurance
  - I do not wish to continue my health insurance
    - I understand that my benefits will cancel if I do not pay the invoice amount
- Optional Life Insurance
  - I wish to continue my Optional Life Insurance
  - I do not wish to continue my Optional Life Insurance
- Long Term Disability Insurance (LTD)
  - I wish to continue my Long Term Disability Insurance
  - I do not wish to continue my Long Term Disability Insurance

If you are on unpaid leave under Non-FMLA LOA, you must pay the full cost(100%) the employee and the employer cost for health benefits

# Leaves of Absence

## Form Submission

### What Forms Are Needed?

- Medical Certification for Employee's Own Serious Health Condition/ Maternity/Paternity
- Medical Certification for Employee's Family Serious Health Condition
- Available on the Absence Management Portion of the PGCPSS website: <https://www.pgcpss.org/payroll/absence-management/>

### Ways to Submit

- Employees may choose any of the following routes to deliver their completed forms to Absence Management:
  - Drop off at the Payroll and Benefits Office, room 132, Sasscer Building (does not require meeting with a Leave Assistant);
  - Mail to Absence Management, 14201 School Lane, Room 132, Upper Marlboro, MD 20772;
  - Fax to 301-760-3593
  - or Email to [absence.mgmt@pgcpss.org](mailto:absence.mgmt@pgcpss.org)
  - **DO NOT PONY YOUR LEAVE PAPER WORK!!**

### Other Useful Information

- Due to the high volume of requests, Absence Management staff will send a written reply to leave requests within 5-10 business days, barring extenuating circumstances
- If an employee has specific questions that are not answered by the Absence Management Administration Procedures, Frequently Asked Questions, (FAQ), Extended LOA Checklist, and the leave forms, that employee is encouraged to schedule an appointment to speak with an Absence Management staff member
- To schedule an appointment, please call Payroll and Benefits Services at 301-952-6200

# Health Insurance Portability and Accountability Act (HIPAA)

- May my employer contact my health care provider about my serious health condition?
- The regulations clarify that contact between an employer and an employee's health care provider must comply with the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. Under the regulations, employers may contact an employee's health care provider for authentication or clarification of the medical certification by using a health care provider, a human resource professional, a leave administrator, or a management official

In order to address employee privacy concerns, the rule makes clear that in no case may the employee's direct supervisor contact the employee's health care provider

# Returning Back to Work

## Required Paperwork and Notifications



- All employees returning from Medical Leave because of his or her own medical condition must submit a Certificate of Medical Release to Absence Management 10 days prior to an approved leave ending



- An employee on Medical Leave cannot return to work without this release
- All non-medical leave will require a written notification to return to work



# Returning Back to Work

## With Restrictions – Transition to Work (TTW) Program

- The TTW program offers temporary modified work assignments within the employee's physical capabilities, knowledge, and skills. Employees in the TTW program may work at their regular work location or at a temporary work location. Work modifications will be developed jointly with the employee, the employee's immediate supervisor, or the supervisor of an alternate job location based on availability.
- To qualify for the TTW program, an employee must have short-term restriction that will end within 90 days, and they must submit a Certificate of Medical Release that clearly document limitations and restrictions to Absence Management 10 days prior to an approved leave ending.
- The goal of the TTW program is to return employees to their prior injury/illness job location with full pay and benefits. Employees with permanent restrictions are not candidates for this program.

# Returning Back to Work

## With Restrictions – Transition to Work (TTW) Program

### What is TTW?

- The TTW program offers temporary modified work assignments within the employee's physical capabilities, knowledge, and skills
- This allows an employee to continue working in a different capacity while a short-term disability prevents the employee from effectively fulfilling his/her regular job duties

### Where Do TTW Employees Work?

- TTW Employees may work at their regular work location or at a temporary work location
- Work modifications will be developed jointly with the employee, the employee's immediate supervisor, or the supervisor of an alternate job location

### What is the Eligibility Criteria?

- Employee must have short-term restriction that will end within 90 days
- Must submit a Certificate of Medical Release that clearly document limitations and restrictions to Absence Management 10 days prior to an approved leave ending
- Employees with permanent restrictions are not candidates for this program.

### What is the Purpose of TTW?

- The goal of the TTW program is to return employees to their prior injury/illness job location with full pay and benefits

# Sick Leave Bank

- Purpose: The purpose of the Sick Leave Bank is to provide its members with paid sick leave after their own leave have been exhausted. Eligibility, waiting periods, and approval times will vary depending on the Labor Union
- Sick Leave Bank (SLB) is handled and approved by the Unions

## TO APPLY FOR THE (SLB) MEMBERSHIP AND GRANTS:

- Employees should contact their respective Union:
  - PGCEA: 301.736.2700- Melissa Robinson
  - Local 400: 301.403.0271- Tracie Hussey
  - ACE/AFSCME (Local 2250): 301.809.0472 –Lisa Clemons
  - ASASP (Unit II- Unit III): 301.925.7047- Veronica Matherne
  - Executive & Confidential: 301-952-6200- Frieda Hudson

# Reference Materials and Contact Information

## Reference Materials

- [All Materials Are Available at The Absence Management Website:  
www.pgcps.org/payroll/absence-management/](http://www.pgcps.org/payroll/absence-management/)

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# Questions and Answers

