

# Family & Medical Leave Basics

## for Indiana State Employees in State Civil Service

2023-February



**Indiana State**  
**Personnel Department**

# Purpose

## Job Protection & Continuation of Benefits

Family & Medical Leave (FML) has three components:

- Eligible employees may take up to 12 weeks of leave for specific events impacting specific family members.
- Jobs are protected during an FMLA leave against discipline or dismissal related to the absence. However, it does not prevent discipline, dismissal, or layoff for a reason unrelated to the employee's absence.
- Benefits continue in the same manner as for employees on other unpaid leaves.
  - Health care for employee's share of premium
  - Service credit toward retirement
  - Service credit toward pay for performance increases



# Eligibility

## Length of Employment + Hours Worked

State employees' eligibility for Family & Medical Leave (FML) has three components:

- Employed at least 12 months
- Worked at least 1250 hours in 12-month period immediately preceding the request or start of FML absence.
- Has not already exhausted allotment of FML for current fiscal year.



# Qualifying Events

## Reasons for Taking FML

Eligible employees may take FML for the following:

- Birth of employee's child
- Placement of child with employee for foster care or adoption
- Employee's own serious health condition which prevents employee from performing essential job functions
- Care for employee's spouse, child, or parent who has a serious health condition
- Care for a covered military service member with a serious injury or illness
- Qualifying exigencies arising out of the fact the employee's spouse, child, or parent is on covered active military duty or call to duty



# Advance Notice

## Foreseeable Absences

- Whenever an absence is planned, employees are responsible for providing employer with advance notice.
- Advance notice means the day or next day after learning of the need for an absence.
- Planned absences include
  - Routine appointments and treatments
  - Rescheduled appointments and treatments
  - Non-emergency surgeries and procedures
  - Childbirth, Adoption, and Foster Care Placements\*
- You must comply with agency call-in protocols and timeframes.



# Paid or Unpaid?

## FML is an unpaid leave

Employees can only receive payment for an FML absence if they concurrently use comp time, sick, personal, or vacation leave. These codes are available in the Extended Absence Request tile in PeopleSoft Employee Self Service:

- FML with sick
- FML with personal
- FML with vacation
- FML with comp time
- FML unpaid

Employees concurrently using FML and paid New Parent Leave (NPL) will find the option “NPL with FML “under their NPL request in PeopleSoft.



# Types of FML

## Continuous, Intermittent, Reduced Work Schedule

- Continuous FML means one single block of time once during a fiscal year.
- Intermittent FML means more than one absence during a fiscal year. This is usually for serious health conditions that are chronic with periodic flare-up causing episodes of incapacity.
- Reduced Work Schedule FML means there is a pattern to the absences so the employee can work fewer hours per day or week for a period of time. The pattern may be the same for the full duration of the FML approval, or the employee and supervisor can update the schedule weekly or biweekly. In some circumstances, having a schedule reduces stress on everyone involved because both home and work activities can be planned around the schedule.



# Serious Health Conditions

## Illness, Injury, Impairment, or Condition that involves one of the following:

- Overnight, inpatient hospital care
- Incapacity of More Than 3 Consecutive Days plus Continuing Treatment
- Pregnancy and Childbirth
- Chronic Conditions Requiring Treatments at least twice each year
- Permanent/Long-Term Conditions Requiring Supervision by a Health Care Provider
- Multiple Treatments for Non-Chronic Conditions





# Covered Family Members

## Spouse, Child, Parent

- Spouse is defined by law and documented by a marriage certificate.
- Child means a biological, adopted, or foster child, a stepchild, legal ward. It includes a child the employee has day-to-day responsibility for care and financial support even if there is no documented legal relationship. A child is under age 18 but see next slide for explanation of adult child.
- Parent is defined by the same relationships as Child without an age limitation.

Each family member is determined by their relationship to the employee: the employee's spouse, the employee's child, or the employee's parent. In-laws are not covered family members.



# Adult Child – Additional Standard

## Disability + Serious Health Condition

- Effective on a child's 18<sup>th</sup> birthday, they become an adult child under FMLA.
- For a parent to take FML for an adult child, the child must have a disability, as defined by the ADA, in addition to a serious health condition as defined by FML.



# Requests in PeopleSoft ESS

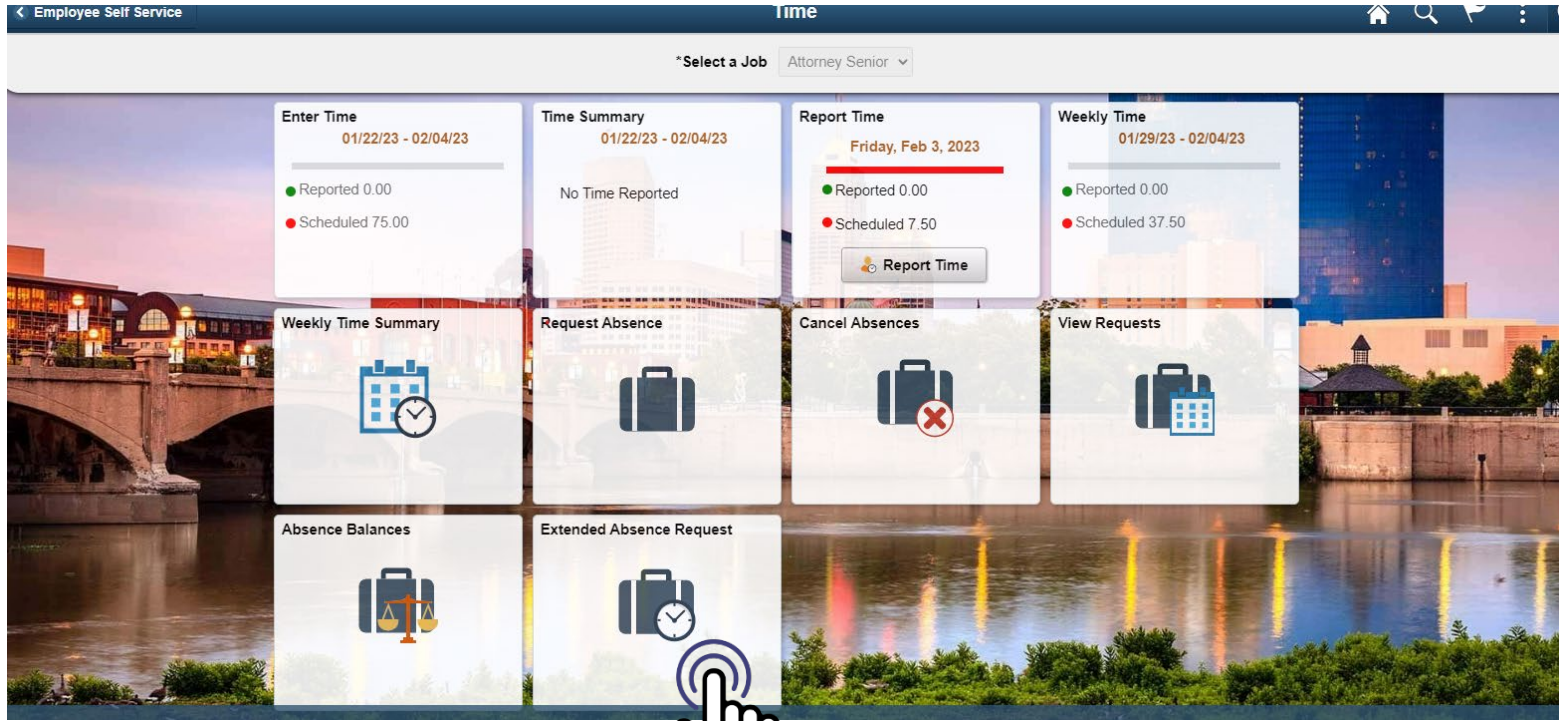
## Employee Self Service > Time > Extended Absence

- Employees must submit an Initial Request for an Absence Administrator to determine whether the employee and the reason qualify for FML.
- Once an approval is issued, employees must submit requests for each use of FML hours for qualifying absences in the Extended Absence tile.
  - Authorized leave without pay CANNOT be used for FML requests.
- Managers/Supervisors do not have security access to submit FML requests on behalf of employees.
- Balances of FML appear in the View Balances sections with balances of accrued leaves and comp time.



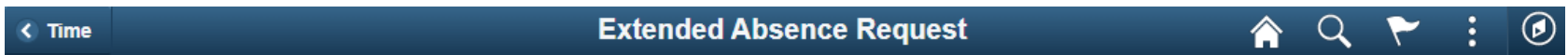
# Requests in PeopleSoft ESS

Employee Self Service > Time > Extended Absence



# Requests in PeopleSoft ESS

## Employee Self Service > Time > Extended Absence



### Manage Extended Absence

Create and manage your extended absences here. You can create and submit the extended absence request for approval by entering Start Date, Expected End Date, Absence Take with the rest of the required information. If you are missing some information, save your request for later to manage your extended absences at a later time.

### Extended Absence Request



**Red: ONLY if initiating a new request for new FML approval.**

Absence Name ◇	Absence Reason ◇	Start Date ◇	Expected Return Date ◇	Status ◇	FMLA Status ◇	Source ◇	Absence Request Exists ◇
FML - Initiate Request	FML - SHC Own	10/25/2012	05/04/2022	Denied		Employee Extended Absence	No
FML - Initiate Request	FML - SHC Family	02/11/2019	06/30/2019	Approved		Employee Extended Absence	No
FML - Initiate Request	FML - SHC Family	02/04/2019	06/30/2019	Approved		Employee Extended Absence	No
FML - Initiate Request	FML - SHC Family	02/02/2019	06/30/2019	Approved		Employee Extended Absence	No



**Green: Requesting time off under already approved FML request**



# Requests in PeopleSoft ESS

## Employee Self Service > Time > Extended Absence

- Authorized entries for time off using approved FML are in a dropdown menu. Here are the most common entries:
  - FML-Unpaid
  - FML with Sick
  - FML with Vacation
  - FML with Personal
  - FML with Comp Time
- If you do not work at all in a calendar week with an observed holiday, you have used 12<sup>th</sup> of your 12-week FML allotment in each fiscal year (July 1 – June 30).
  - And unless at least one of those days was fully covered with concurrent use of vacation, sick, personal leaves or comp time, you are not eligible for holiday pay.



# Requests in PeopleSoft ESS

## Employee Self Service > Time > Extended Absence

- Job Aids are available in SuccessFactors/JAM pages
  - ESS Request Initial NPL Extended Absence as an Employee
  - ESS Request Initial FML Extended Absence as an Employee
  - Checklist for FML & NPL Requests
  - Checklist before Submitting Your Timesheet with Additional Checklist for Managers before Approving Timesheets



# FML for Additions to Your Family

## Birth, Adoption, Foster Child

- Use of the term Birth means that the employee is seeking parenting leave for his/her newborn, biological child. Leave to care for an employee's spouse during pregnancy, childbirth, and/or recovery therefrom is covered under Leave for Serious Health Condition of Spouse, Child, or Parent.
- Adoption means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child is not a factor in determining eligibility for family-medical leave. Time off for proceedings related to the adoption are also covered, even before the adoption is finalized.
- Foster Care means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home or pursuant to a judicial determination of the necessity for foster care and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.





# FML for Military Situations

## Caring for a Military Service Member

Covered service member with a serious injury or illness means

- A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or otherwise on the temporary disability retired list for a serious injury or illness; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) or was discharged or released under conditions other than dishonorable at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. a. The applicable five (5) year period is calculated backward from the date the eligible employee first takes family-medical leave to care for the covered veteran except that the period from October 28, 2009, to March 8, 2013, must be excluded from the calculation for any veteran discharged or released prior to March 8, 2013. b. The single 12-month period for leave to provide care may extend beyond the end of the applicable five (5) year period if it does, in fact, begin during that period.



# FML for Military Situations

## Qualifying Exigencies due to Deployment of Family Member

Qualifying exigency means that the employee who is a spouse, child, or parent of a covered military member requires leave for one or more of the following events:

- short-notice deployment;
- military events and related activities;
- childcare and school activities;
- financial and legal arrangements;
- counseling;
- rest and recuperation;
- post-deployment activities;
- parental care, and
- additional military activities provided the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.



# Coordinating FML with Other Leaves

## Short- and Long-Term Disability

- FML will be charged during the 30-day elimination period required before disability benefits begin.
- While receiving disability benefits, employees shall not enter any absence requests for days covered by disability benefits; however, the FML balance will be reduced by an Absence Administrator.
- If FML –qualifying condition also qualifies for the S/LTD plan, employee should apply for both so an absence that exceeds 12 weeks can continue under S/LTD.



# Coordinating FML with Other Leaves

## Worker's Compensation

- FML will be charged concurrently with worker's comp absences when the injury or illness meets the definition of a serious health condition.
- Not all worker's comp absences meet that definition.
  - Example, employee cuts finger on sharp object at work, goes to medical office, urgent care, or hospital to receive stitches and related care, then is sent back to work or home.
  - If employee is not hospitalized or incapacitated for more than three consecutive days, this worker's comp absence cannot be charged to FML.



# Coordinating FML with Other Leaves

## New Parent Leave (NPL)

Both FML and NPL are available for employees to spend time bonding with a newborn or newly adopted child. NPL is not available for foster care placements.

- NPL is a paid leave. FML is an unpaid leave unless used concurrently with an appropriate paid or accrued leave.
- Eligibility standards are different, so employees may be eligible for only one or the other leave.
- If employees are approved for both FML (bonding/parenting) and NPL and request both for the same day, both balances will be decreased.



# Reasonable Accommodation or FML?

## Leave beyond FML allotment may be a Reasonable Accommodation

### Examples

- Employee A exhausts all FML in January of this fiscal year, but in April needs 2 more weeks' off for a medical procedure related to the same condition which also qualifies under the ADA as a disability. A 2-week absence will not qualify for S/LTD but authorizing leave without pay is an appropriate reasonable accommodation.
- Employee B was rehired and meets FML eligibility requirements; however, the rehire date is less than 6 months ago, so does not qualify for S/LTD. If employee needs a leave of more than 12 weeks, the additional weeks may be a reasonable accommodation.



# Reasonable Accommodation or FML?

## Reasonable Accommodations made be needed upon Return to Work after FML

Example,

- Employee C has been off work on FML and S/LTD. She was released to work with restrictions and required physical therapy 3 times per week for 8 weeks.
  - Interactive discussions are required to identify reasonable accommodations that enable employee to perform the essential functions of the job despite the restrictions.
  - Authorized leave without pay is a reasonable accommodation for attending the physical therapy sessions.



# Resources

## INSPD's Employee Relations Division

- Call Center 1.855.773.4647, Option 4
- Standardized Policies on Leaves and Accommodations

<https://www.in.gov/spd/policies-and-procedures/standardized-policies/>

- Websites for Additional Info on FML, ADA, and NPL

<https://www.in.gov/spd/policies-and-procedures/standardized-policies/>

<https://www.in.gov/spd/policies-and-procedures/americans-with-disabilities-act/>

<https://www.in.gov/spd/policies-and-procedures/family-and-medical-leave/new-parent-leave/>

