



LEAVE OF ABSENCE ADMINISTRATION

FREQUENTLY ASKED QUESTIONS FOR MANAGERS

Here are some Frequently Asked Questions (FAQs) about leave.

Delineation of Administration

What does the vendor (FMLASource) administer and what does Memorial manage?

FMLASource administers the following leaves:

- Family Medical Leave Act (FMLA) leave (job-protected leave)
- Americans with Disabilities Act (ADA) leave (job-protected leave)
- Medical and personal Leaves of Absence (LOA) (non-protected)
- Military leave (job-protected)

FMLASource does not manage payment during leave (i.e., use of paid leave and disability leave). It's your responsibility to ensure your employees are paid appropriately by entering paid leave and disability in TASS.

Memorial manages Bereavement, Jury Duty, and Administrative leave.

Types of Leave

How many different types of leaves of absence do we have?

Four. They are:

- Family and Medical Leave Act (FMLA) leave – FMLA is a federal leave program which provides up to 12 weeks of leave in a rolling 12-month period for eligible employees who experience certain qualifying events. In general, employees must be employed for 12 months before becoming eligible for this leave, although rehires can have prior service considered in order to meet this requirement. This leave can be taken in a continuous block of time or intermittently, as needed. This leave is job-protected.
- Americans with Disabilities Act (ADA) Leave – ADA is a federal law that requires employers to provide accommodation to employees with disabilities. There may be times when an employee is considered disabled due to a health condition. Memorial may offer a leave to employees in order for them to receive treatment that will allow them to once again perform the essential functions of their jobs if they are not able to perform the essential functions of their jobs with or without accommodation. This leave is generally in a continuous block of time, but may also be provided intermittently. This leave is job-protected.
- Medical and personal Leaves of Absence (LOA) – This leave is not required by law and is offered and administered based on

Memorial policy. An employee must be employed for 90 days before becoming eligible for this type of leave. Since the leave is not legally mandated, it is subject to department leader approval and based on the operational staffing needs of the unit. This leave is only granted in a continuous block of time, and has a maximum combined length of 12 weeks in a rolling 12-month period. This leave is not protected, which means that the position may be filled while the employee is on leave.

- **Military Leave** – This leave is mandated by another federal law, the Uniformed Services Employment and ReEmployment Rights Act (USERRA). This program provides leave for military or uniformed service for up to five years. This leave is considered job-protected – although the department may hire someone to perform an employee’s role during a military leave, upon return from leave, the employee must be reinstated to his or her position.

Job Protection During Leave

1. What is the difference between job-protected leave (FMLA, ADA) and non-protected leave (LOA)?

- Leaves granted in accordance with Federal law include FMLA, ADA, and military leaves. Employees on job-protected leave have reinstatement rights, meaning that when their leave ends, they must be returned to their same positions and pay. Job-protection also means that absences under these leaves cannot be “held against an employee” or considered for purposes of transfer, promotion, performance rating, or attendance.
- Leaves that are granted by Memorial policy are referred to as medical or personal Leaves of Absence, or LOA. Employees on these leaves have no job protection or reinstatement rights. If the department needs to fill the employee’s position while the employee is on leave, it may do so.

2. Can Memorial choose to deny job-protected leaves (FMLA, ADA, Military)?

FMLA, ADA, and military leaves are administered according to federal regulations. Memorial complies with the law and does not deny leave to employees eligible for these leaves.

Pay & Benefits During Leave

1. Are employees paid during leave?

These leaves are not considered paid leaves, in that the leave provides only the time away from work and no separate or additional pay. Any pay the employee receives during leave is by using available paid leave or disability leave hours. If employees do not have available or sufficient hours of paid leave or disability leave, then they are unpaid during the leave.

2. Do employees still have benefits when on leave?

Yes. Memorial will continue benefits while on leave. We will automatically deduct the premiums if the employee is receiving a paycheck, just like we do now. Employees not receiving a paycheck are responsible for paying Memorial for their portion of the premiums.

Leave Process

1. How does the leave process work?

- Employees who need leave should notify their manager and call FMLASource.
- FMLASource sends the necessary forms to the employee based on the type of leave requested.
- FMLASource reviews the completed forms, determines if the employee meets criteria for a leave, and then either approves, requests more information, denies, or confers with HR or the department leader.
- Returns to Work (RTW) are coordinated through FMLASource. The manager and HR will be consulted if the employee is returning with restrictions.

2. Should an employee requesting any type of leave (FMLA, medical, personal) call FMLASource?

Yes. An employee who needs FMLA, ADA, LOA, or military leave should call FMLASource.

3. Is there an employee portal to submit claims in addition to a toll free number?

Yes, employees can use the FMLASource website or app in addition to calling.

4. What are FMLASource's hours of operation?

The FMLASource team dedicated to Memorial is staffed 8:30 a.m. – 10:30 p.m., Monday through Friday. Employees may contact 24 hours a day, with off-hour coverage by a service center.

5. How does FMLASource determine whether to approve a request for leave?

FMLA and ADA leaves are administered according to federal regulations. Employees who meet the criteria established by the regulations will have their leave approved. Memorial complies with the law and does not deny leave to employees eligible for these leaves. Employees who do not meet criteria for job-protected leaves may be granted a non-protected leave subject to the approval of their department leader.

6. Will the manager know specific reasons for intermittent FMLA cases? For example, if the employee has an approved intermittent FMLA leave for migraines but is calling the department claiming back pain, how will the department know what the intermittent case is for?

- PHI for FMLA will be handled the same as it is now.
- HR and the manager are provided the frequency and duration and reason for leave (own health condition, care of family member, etc.).
- FMLASource can initiate recertification if the frequency and duration is consistently exceeded.
- The employee should notify the manager that the absence is FMLA-related when calling out.
- The manager may inquire if the absence is FMLA-related, but should not inquire about medical condition.
- The employee can choose to share the medical condition with the manager at his or her discretion.

- Neither HR nor FMLASource are able to share employee medical conditions with the manager.

7. What are the call-in requirements for employees on intermittent FMLA?

There is no change. Employees must contact FMLASource and follow their department's established call-in procedures. Intermittent leave must be reported to FMLASource within 24 hours in order to be covered as FMLA absences.

8. I have an employee with intermittent FMLA who seems to be using a lot of time. How can I find out which absences are protected by FMLA and which are considered unexcused absences?

FMLASource or HR can provide you with the dates of the approved FMLA absences. Absences that are approved may not be used for attendance disciplinary purposes.

9. If an employee exhausts all of his or her FMLA time and still needs leave, will FMLASource automatically convert to another type of leave?

FMLASource will evaluate for ADA eligibility first if an employee's medical certification for FMLA indicates a need for leave beyond available FMLA time, or if the employee communicates a need to extend leave. FMLASource will initiate the LOA process, and it will be subject to department leader approval should the employee not qualify for any protected leave and the employee requests leave beyond the FMLA entitlement.

10. How does department leader approve a non-protected leave (LOA)?

Via email. FMLASource will contact the department leader with the dates and duration of the requested leave. The department leader will evaluate ability to approve leave based on operational staffing needs and notify FMLASource. FMLASource will notify the employee whether the leave is approved or denied.

11. Does FMLASource partner with me on LOA requests? For example, what happens if an employee requests three months of leave but I'm only able to approve one month?

LOAs are subject to department leader approval based on the operational needs since they are not protected. FMLASource will process and communicate approval for one month if you can only approve one month.

12. Does FMLASource notify me when my employee is on a non-protected leave should I need to fill that role?

Because department leader is responsible for approving non-protected leave, you will be aware. HR should notify employees if their positions are filled while they are on leave, so they are aware that they should seek another position.

Returns to Work (RTW)

1. How will I know when employees are returning to work?

Log into the website to see leave end dates and upcoming returns to work.

2. How is it handled when the employees are cleared to return to work with restrictions?

The process is the same as for employees with restrictions. FMLASource communicates the restrictions, and you or HR will advise whether you can accommodate restrictions or whether the employee must remain on leave. In general, if an employee is able to perform essential functions (as defined in the job description) with the restrictions, the employee is returned to work. If the employee cannot perform the essential functions of the job (as defined in the job description), Memorial may elect to keep the employee on leave.

3. Do employees also have the option of being cleared through Employee Health if they have no restrictions?

The RTW process works the same for all types of medical leave. The RTW medical clearance should be sent to FMLASource. Employees may provide the RTW form to Employee Health or HR if their RTW form indicates they are cleared to work immediately without restrictions. HR or Employee Health may send the RTW form to FMLASource as a courtesy; however, the employee is responsible for ensuring FMLASource receives all required forms. If the employee is cleared immediately and the manager is able to put him or her on the schedule, the employee may return on the next shift.

ADA Accommodation - Leave

1. How do ADA accommodations work?

FMLASource evaluates medical documentation to determine if leave as an ADA accommodation is appropriate, and administers the leave in accordance with the law if an employee is eligible under the Americans with Disabilities Act (ADA). ADA Workplace accommodations and the interactive process is managed by HR.

2. What about employees who need ADA accommodation but don't need to take leave?

- We refer to those as ADA workplace accommodations. The ADA interactive process for workplace accommodations is managed by HR. HR must be able to make a determination about ADA applicability provides the employee with an ADA request form and ADA Medical Certification Form.
- HR may contact the healthcare provider, or request that Employee Health contact the provider if additional information or clarification is needed regarding a limitation or accommodation. The manager should not contact the healthcare provider.
- You must notify HR right away if an employee contacts you and notifies you of a medical condition that is affecting his or her ability to perform the job. Our obligation to begin the interactive process begins when Memorial is aware of the potential need for accommodation.

Communication and Notification

1. How do I know if my employees apply for leave?

Email notifications are sent to you and HR. You can also log into the FMLASource website to see a list of your employees who have applied for leave, have approved leave, have used leave time, and are approaching the end date for their leave.

2. Who is notified when an employee applies for leave?

FMLASource uses data from Talent Management to determine the appropriate contacts for a specific employee. The supervisor in Lawson is the individual who will receive the email notification, and the department leader is the individual who is authorized/contacted to approve non-protected leave.

3. What communication do I receive?

You and HR will be notified upon application, extension, approval, denial, RTW, and exhaustion of leave.

4. Will I be notified of non-FMLA leaves any differently than for FMLA leaves?

No, the process is the same.

5. Can an employee be approved for one type of leave after being denied for another type of leave?

Yes. FMLASource will evaluate eligibility for leave in this order: FMLA, ADA, LOA. They will determine eligibility for job-protected leaves first in order to maintain legal compliance. For instance, an employee who has not been employed long enough

to qualify for FMLA may be denied for FMLA and then approved for ADA leave. Employees who do not qualify for FMLA or ADA may be denied for those leaves and approved for an LOA by their department leader.

6. Can employees have their request for FMLA denied and then later approved?

Yes. FMLA is administered in accordance with the law. The law specifies the amount of time that must be given to employees for submitting documentation and also specifies that leaves may be granted retroactively in some instances.

Reports and Information Access

1. How can I access reports that show which of my employees have leave?

Employee leave information is available via the FMLASource website.

2. How do I get a login for the FMLASource website?

Visit FMLASource.com and click “register.” You must use your mhs.net email address and your home zip code on file with Memorial (in Talent Management.)

3. What access do I have?

You have access to leave information for employees who report directly to you, as reflected in Talent Management. You also have access to your own leave information should you need to apply for a leave or have a leave approved. The login is the same for employee access and manager access.

4. If I forget my password, can HR reset it for me?

No, HR is not able to assist with passwords. Please use the “forgot password” link on the FMLASource login page to reset your password.

If you have additional questions that should be added, please let us know by emailing leaveofabsence@mhs.net.

FMLASource

fmlasource.com

(844) 242-6747

Monday through Friday

8:30 a.m. to 10:30 p.m.

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