



Frequently Asked Questions for Employees: FAMILY MEDICAL LEAVE ACT PROCESS EFFECTIVE NOVEMBER 1, 2009

INTRODUCTION

VCU Health System recognizes that not only are you an employee but that you may also be a child of surviving parents or a spouse or parent of someone who needs you to help them with care during a medical crisis. In addition to caring for family members, many employees also have their own health conditions that may require an extended absence or occasional time off for follow up care. Time off to care for your own serious health condition or that of your parent(s), spouse, or child(ren) may be covered by the Family Medical Leave Act (FMLA). Under FMLA, you are entitled to certain job and benefit protections. However, in order to receive the full benefits of FMLA, it is essential that you follow the established processes for requesting FMLA and providing the supporting documentation required by law.

The information that follows is intended for general reference only. Please consult Human Resources, Employee Relations at 628-9433 or review the Family Medical Leave Act policy 2176 for detailed information.

FAMILY MEDICAL LEAVE ACT PROVISIONS

The Family Medical Leave Act (FMLA) may allow you to be away from work for:

- Up to 12 weeks of job-protected leave during a 12-consecutive month period to care for certain qualifying family and/or medical situations.
- Up to 26 weeks of leave in a single 12-month period to care for a service member injured during active duty in the military. During this single 12-month period, an eligible employee may take only a combined total of 26 workweeks of leave for all types of FMLA leave. This single 12-month period is measured forward from the start date of leave.

FMLA Eligibility - You are eligible for FMLA if you have completed 12 months of employment with VCUHS and have worked at least 1,250 hours in the 12-month period before your FMLA is scheduled to begin.

Qualifying FMLA situations:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for your child after birth, or placement for adoption or foster care;
- To care for your spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes you unable to perform your job;
- For a qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or
- To care for your spouse, son, daughter, parent, or next of kin (nearest blood relative) who is a covered service member (member of the Armed Forces, including a member of the National Guard or Reserves), and who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

How May FMLA Be Taken?

FMLA may be taken as continuous, full and consecutive days of absence or, if needed and approved, as intermittent days of absence (i.e., absences from work involving multiple, non-consecutive full or partial days of absence.) Employees who work 40 hours per week may be

entitled to miss up to 480 hours per 12-month period. Available hours are determined based on the number of hours worked per week on average.

**VCUHS FMLA REQUEST PROCESS
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HOW DO I APPLY FOR A FMLA LEAVE?

For planned FMLA absences - At least 30 days in advance (if foreseeable), notify your manager of your need for leave and then call the UNUM at 1-866-786-9321 to speak with a claim representative. The Unum representative will ask you a number of questions necessary to determine both your eligibility for FMLA and to initiate a Short Term Disability claim if you have that benefit and your leave period will be long enough to qualify. Then the representative will send you a resource packet with instructions regarding what you are to do next. You must return the forms that UNUM mails to you within 15 calendar days and provide the detailed information requested. Failure to return these forms on time may result in denial of your FMLA leave request.

For unscheduled FMLA absences – As soon as possible, you or a family member should notify your manager of the need for a leave. If the leave is potentially FMLA qualifying, you or a family member should also call Unum at 1-866-786-9321 to speak with a claim representative. The Unum representative will ask you a number of questions necessary to determine both your eligibility for FMLA and to initiate a Short Term Disability claim if you have that benefit and your leave period will be long enough to qualify. Then the representative will send you a resource packet with instructions regarding what you are to do next. You must return the forms that UNUM mails to you within 15 calendar days and provide the detailed information requested. Failure to return these forms on time may result in denial of your FMLA leave request.

HOW IS MY REQUEST FOR FMLA LEAVE EVALUATED?

Unum will review your request and supporting documentation. They will then notify you in writing of the approval or denial of your request. If your leave is approved, you may be required to provide periodic recertification as permitted by law. Your manager will be notified regarding your FMLA approval/denial once that determination is made.

HOW DO I REPORT APPROVED LEAVE TIME?

For continuous leaves of absence – Confirm the start of your approved leave by calling your manager per department policy **AND** Unum at 1-866-786-9321. You may call Unum at any time within the 24-hour period and any day of the week.

For intermittent absences – Report **each** absence (including late arrivals and early departures) by calling your manager/department per department policy **AND** Unum at 1-866-786-9321. You may call Unum at any time within the 24-hour period and any day of the week.

HOW DO I RETURN TO WORK AFTER MY LEAVE?

For your own medical condition – Obtain a return to work statement from your healthcare provider. (Personal medical information should not be included.) Fax your statement to UNUM at 1-800-447-2498 at least two business days before your return. Call your manager to notify him/her of your planned return to work date as soon as you know when that is likely to be. Present a copy of your return to work statement to your manager on the day you return.

If you are able to return to work earlier than originally planned – You should notify Unum at least two business days before the date you intend to report for work, if possible, or as soon as you know.

DO I GET PAID FOR TIME OFF WHILE ON A LEAVE OF ABSENCE?

For your own medical condition – You must use your accrued leave as described in the Paid Time Off policy (i.e., 24 hours of PTO, and the STB, if available). You are still responsible for recording your own leave usage in Kronos. You may also be eligible to use your Short Term Disability if you have that benefit.

For care of a family member - You must use your accrued leave as described in the Paid Time Off policy (i.e., you must use your PTO balance down to 40 hours and then you may access your STB account and use up to 25% of that balance up to 180 hours.)

For birth, adoption, or foster care leave – You must use your accrued leave as described in the Paid Time Off policy (i.e., 24 hours of PTO, and the STB, if available). You may also be eligible to use your Short Term Disability if you have that benefit.

For qualifying exigency leave – You must use your accrued leave (PTO).

For military caregiver leave - You must use your accrued leave as described in the Paid Time Off policy (i.e., you must use your PTO balance down to 40 hours and then you may access your STB account and use up to 25% of that balance up to 180 hours.)

When all accrued time has been exhausted, any remaining leave will be unpaid (job and benefit protection continues until FMLA expires).

WHAT HAPPENS TO MY BENEFITS WHILE I AM ON FMLA LEAVE AND HOW DO I PAY FOR THEM?

During your FMLA leave, VCUHS will continue to pay its portion of your group health insurance premiums and you must pay your share, if any, of the health insurance premiums. During paid leave, your share of the premiums will continue to be paid through payroll deductions. VCUHS will provide you with information regarding arrangements for payment of your share of the premiums during any unpaid leave. Please contact Human Resources, Benefits Office at 628-9429 for more information regarding benefit continuation during your leave. You have a 30-day grace period in which to make such premium payments. In the event that you do not pay your share of the insurance premiums on a timely basis, your insurance coverage for yourself and/or your dependents may be terminated for the remainder of your leave.

VCUHS will continue other benefits (e.g., life insurance, disability insurance, etc.) while you are on leave. You will continue to be responsible for your portion of any premiums due during your leave. Please contact Human Resources, Benefits Office at 628-9429 for information regarding your other benefits during your leave.

WHAT IF I NEED TO EXTEND MY LEAVE BEYOND THE PERIOD ORIGINALLY APPROVED?

For FMLA Leaves – You must notify your manager **AND** call Unum at 1-866-786-9321. You must provide re-certification information stating the circumstances, need and timeframe for the extended leave. Unum will approve or deny requests made.

INFORMATION SPECIFIC TO FMLA ADMINISTRATION TRANSITION BY UNUM

I HAVE PREVIOUSLY SUBMITTED FMLA FORMS TO HUMAN RESOURCES. WILL I HAVE TO RESUBMIT THEM TO UNUM?

No. Human Resources will be sending Unum information related to your FMLA status. If your condition changes or if your requested leave needs to be extended, Unum will process all new and changed requests and new information may therefore be requested.

I AM CURRENTLY ON A CONTINUOUS FMLA LEAVE OF ABSENCE. WHO DO I NOTIFY WHEN I AM PLANNING TO RETURN?

If your return to work date is scheduled to be on or after November 1, 2009, you will call Unum at 1-866-786-9321 to notify them of your actual return to work date. You must also call your department to make them aware of when you plan to return. A healthcare provider's release is required for any absence beyond three work days.

WHO DO I CONTACT IF I HAVE QUESTIONS?

Call Employee Relations at 628-9433 for requests related to the transition or FMLA.