Partnering with Employee Benefits Medical & Protected Leaves

Medical Leaves for Graduate Assistantships & Postdoctoral Scholars

➢Health Insurance is continued

➢Leave
- Up to 12-weeks continuous block, one time only
- For Parental leave, one 12-week block for each child

➢Eligibility
- **Graduate Assistantships** – at .20 fte for 12 consecutive months
- **Postdoctoral Scholars & Clinical Fellows** –
  - After 12 months
  - No eligibility requirements for Parental Leave

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Military Leave – FMLA, OFLA, Other

➢ **Federal Medical Leave Act (FMLA)**
- Qualifying Exigency Leave. Eligible family member is deployed to a foreign country or pending deployment.
- Military Caregiver Leave. To care for an injured or seriously ill covered service member or veteran.

➢ **Oregon Military Family Leave Act (OMFLA)**
- Allows an employee who is the spouse or same gender domestic partner of a military member to spend time with him or her before deployment and during leave from deployment.

➢ **Oregon Revised Statute 408.290**
- Provides paid leave of absence from duties for a period not to exceed 15 days in a year for training

➢ **Veterans' Reemployment Rights Law**
- Provides leave of absence without pay for employees who enter the military service of the United States

State of Oregon Leaves for Victims of Domestic Violence, Sexual Assault, Stalking or Harassment

➢ **Allows eligible employees to take a reasonable amount of time for purposes such as:**
- Seeking legal or law enforcement assistance or to ensure safety of employee's minor child or dependent
- Seeking medical treatment including counseling
- Obtaining services from a victim services provider
- Relocating or take steps to secure an existing home

➢ **Provides up to 160 hours of leave with pay in each calendar year**. Employee must exhaust all forms of paid leave.

➢ **Protected leave is coordinated** between the Office of Equity and Inclusion (requests and approval) and the Office of Human Resources (tracking)

➢ **Employers may not refuse reasonable safety accommodation** request unless undue hardship on employer

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Family Medical Leave Act (FMLA) & Oregon Family Leave Act (OFLA)

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FMLA and OFLA are...

*Federal and State mandated leaves which provide up to 12 weeks of **unpaid** job protected leave per leave year* for **eligible** employees to care for their own serious health condition or a **family member's** serious health condition.*

*OSU uses the "Rolling Back" method

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Protected Leaves - FMLA/OFLA

Purpose of FMLA and OFLA was...

Intended to lessen the stress that an employee may otherwise feel if forced to choose between work and family during a serious medical situation.

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Protected Leaves - FMLA/OFLA

Because FMLA/OFLA are entitlements…

It is important for OSU to administer the protected leave consistently, thus ensuring equal treatment of all employees.

Protected Leaves - FMLA/OFLA

Family Leave Laws
2010 Edition
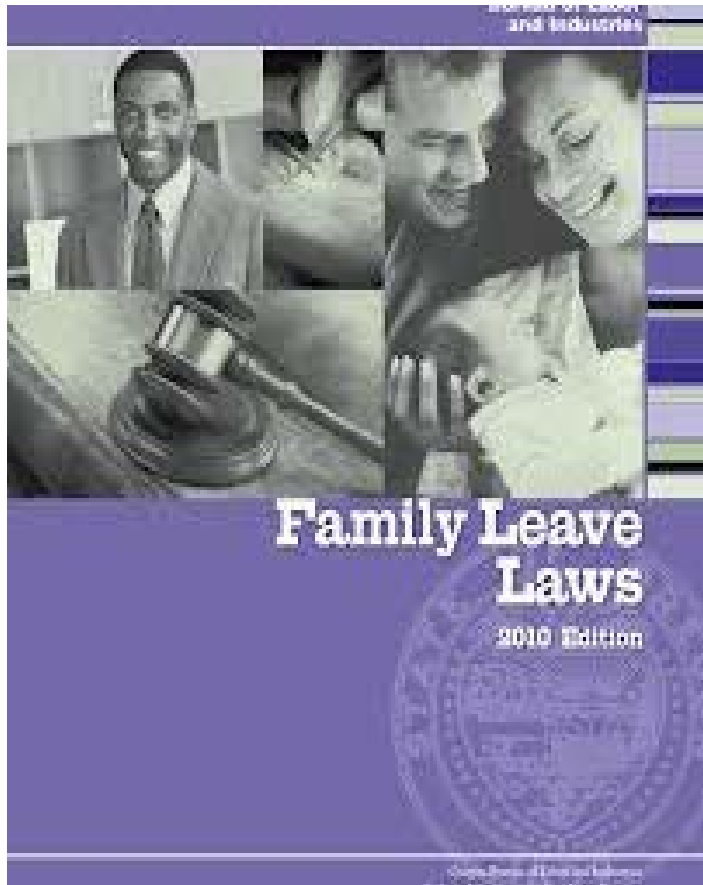
FMLA/OFLA Provides…

- Job Protection *(FMLA & OFLA)*

- Benefit Protection *(FMLA only)*
  - Employee required to continue to pay the employee contribution

- Absences under FMLA/OFLA cannot be held against the employee in employment actions *(hiring, promotions or discipline)*

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Health Benefits…

➢ **FMLA**
- OSU continues to pay the employer contribution towards health insurance even if the employee goes into LWOP (leave without pay) status
- Employee is responsible for continuing to pay their share of premiums for health insurance and optional benefits through payroll deduction or by self paying

➢ **OFLA**

- **Health insurance coverage will terminate** if employee is not in paid status for the required number of hours to maintain benefits
  - o Employee has option to enroll in COBRA coverage for health insurance
  - o Employee may arrange to self pay *optional* benefits by working with the Employee Benefits staff

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OFLA – *House Bill 2950, effective January 2014*

➤ Amends Oregon Family Leave Act (OFLA) – ORS 659A.159.

➤ Provides for up to two weeks of protected unpaid leave for bereavement of qualifying family members as defined under OFLA.

➤ Eligible employee – is one that has worked for at least 180 days and averaged 25 hours per week.

➤ Leave must be completed within 60 days of notice of death of family member.

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Protected Leaves – *Leave Usage*

FMLA/OFLA leave...

- May be taken continuously, intermittently, or work a reduced schedule

- Generally runs concurrently

- Is **unpaid**, but OSU policy requires use of paid leaves while on FMLA/OFLA *(i.e., sick, vacation, personal, etc.)*

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Protected Leaves – *Exception to Use of Paid Leave*

Short-term Disability Exception…

➢ If an employee has an approved STD claim **and** is on approved **FMLA** leave:

- The employee can elect to go into unpaid status through the University while receiving disability benefits, **or**

- The employee can elect to supplement their STD with other accrued leave *(vacation, comp, etc.)*

The Standard

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Returning to Work...

Under the leave laws, employees are expected to perform the essential functions of their position while at work / upon returning from FMLA/OFLA leave.

Restrictions to duties are not protected under the leave laws.

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Protected Leaves

Change in FMLA/OFLA process... making the process easier for employees.

➢ **If an employee's leave is anticipated to be 2 weeks or less...**FMLA/OFLA will be invoked based on the employee's answers to leave questions without requiring a medical certification.

➢ **Return to Work Certification is no longer required*.** Employee is work directly with healthcare provider to determine when they can return to work.

*A Return to Work Certification may be requested, but the employee must be notified in the FMLA/OFLA Designation Letter and must be provided a listing of the essential functions. Requests for Return to Work Certifications, must be uniformly administered (i.e., by like positions)

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Employee & Supervisor Responsibilities & Administration Process

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Protected Leaves – *Employee Responsibilities*

➢ **Inform Supervisor** of need to take leave – Notification can include statements such as:
- "I need time to care for my family member who is very ill"
- "My doctor says I need a procedure which will prevent me from working for two weeks"

➢ **Follow normal call-in procedures** while out on leave

➢ **Accurately record time taken** for protected leave on timesheet

➢ **Communicate** any changes in leave or medical status to OHR

➢ **Work with healthcare provider** to determine appropriate return to work date

➢ **Work with Office of Equity & Inclusion** if anticipated restrictions may impact ability to do your job

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Protected Leaves – *Supervisor Responsibilities*
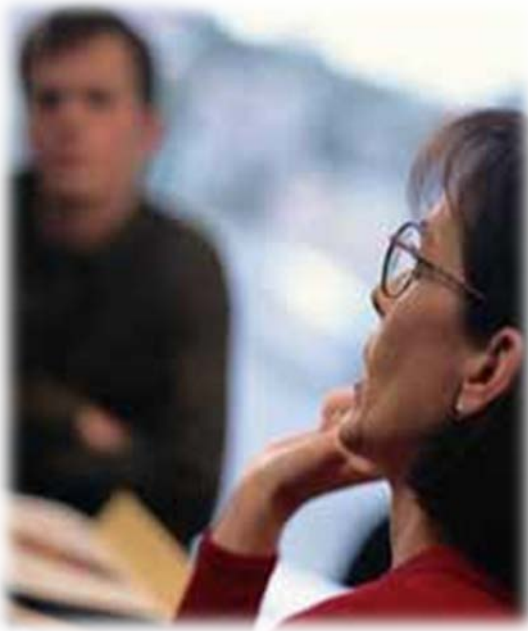
➤ Ask basic, non-medical information about an employee's absence to determine if it may be FMLA/OFLA qualifying

➤ Report possible protected leave qualifying absences to OHR-FMLA as soon as possible

➤ Contact the OHR-FMLA if you are notified of any changes

➤ Verify employee's reporting of protected leave on timesheet

➤ Work with BC to ensure employee is accurately paid while on leave

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Protected Leaves – *Timesheet Reporting*

➢ **Request Leave in Advance** *(paid and unpaid)*
- Absences for FMLA/OFLA Leave – to establish case
- Absences for Vacation, Sick and Other

I need to request time off for...

Absences for FMLA, OFLA, and Military Leave	Absences for Vacation, Sick, and Other
FMLA = Family and Medical Leave Act OFLA = Oregon Family Leave Act *Must also complete "Absences for Vacation, Sick, and Other" section to indicate leave usage while absent* Examples include leave for: • Serious Health Condition (Employee or Family Member) ⊘ • Parental (Newborn, Adoption, or Foster Care Placement) • Military ⊘	*If requesting time off for a serious health condition, family, or military leave, must also complete the "Absences for FMLA, OFLA, and Military Leave" section to the left*
Continue	Continue

➢ **Record leave taken on timesheet if not requested in advance**

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Timesheet with Protected Leave

➢Continuous Protected Leave
  o Timesheet is prepopulated with "Leave of Absence" for dates of continuous leave
  o Pay Code and Hours must also be entered on timesheet

Timesheet with Continuous Protected Leave without Pay Code:

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Timesheet with Protected Leave

Example of Continuous Protected Leave on Timesheet:

Date		Pay Code		Hours	Leave C...		Comments
Sun 05/05	➕ ▾	Select Pay Code	▾				
Mon 05/06	➕ ▾	Sick	▾	8.00		▾	
	➕ ▾	Leave of Absence		8.00	122	▾	
Tue 05/07	➕ ▾	Sick	▾	8.00		▾	
	➕ ▾	Leave of Absence		8.00	122	▾	
Wed 05/08	➕ ▾	Sick	▾	8.00		▾	
	➕ ▾	Leave of Absence		8.00	122	▾	
Thu 05/09	➕ ▾	Sick	▾	8.00		▾	
	➕ ▾	Leave of Absence		8.00	122	▾	
Fri 05/10	➕ ▾	Sick	▾	8.00		▾	
	➕ ▾	Leave of Absence		8.00	122	▾	
Sat 05/11	➕ ▾	Select Pay Code	▾				
				40.00			

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Timesheet with Protected Leave

➢Intermittent Protected Leave
   o Timesheet is NOT prepopulated with "Leave of Absence"
   o Leave Case is associated directly with Pay Code and Hours

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Protected Leaves – *Administration Process*

OHR Responsibilities…

➢ Determine employee eligibility, review medical certification and approve or deny

➢ Communicate leave eligibility and status of leave to employee, supervisor and BC

➢ Track Protected leave usage

➢ Work with Benefits Consultant to ensure benefits are continued while employee is on FMLA leave

BC Human Resources Responsibilities…

➢Run and analyze reports for current month to reduce risk of overpayments and ensure employees will be paid correctly

➢Determine if employee's position should be placed on leave

- If employee has enough leave or work hours to cover a portion of the month, estimate LWOP/DOC pay
- If employee is not working and has no leave to use, place position on leave *(if notified late, can be removed from Time Entry to prevent overpayment)*
- If employee will run out of paid leave during the month *(and additional months)*, place job on leave. Refer to policy of 10 days or more.

➢Calculation of estimated DOC Pay

- Current Month
- Reconciliation of estimated DOC Pay to actual timesheet the following month
- Provides BC Payroll with DOC Pay for processing

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TOOLS for BC Human Resources

➤ **FMLA/OFLA Monthly** Report

- o Created by FMLA Benefits Consultant for Business Centers

- o Includes a complete listing of employees on Protected Leave
  - Employee Name, Estimated Start/End Date, Intermittent/Continuous, etc.
  - **DOES NOT** indicate how an employee is being paid and/or unpaid during leave, only indicates they are on protected leave

- o BC Human Resources can use to monitor employee leaves/timesheets

- o Need to review employee timesheets to determine pay status
  - Timesheet only as accurate as entered by employee and monitored by supervisor

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TOOLS for BC Human Resources:
FMLA/OFLA Report example

BC	ID	ECLS	Name	Case #	Start	End	Type	Status	Reason	Leaves
BC#		UF			05/16/2013	06/30/2013	Intermittent	Approved	Employee health condition (not pregnancy-related)	FMLA, OR Fam
BC#		CA			10/16/2012	10/15/2013	Intermittent	Approved	Employee health condition (not pregnancy-related)	FMLA, OR Fam
BC#		CA			05/10/2013	05/27/2013	Continuous	Open	Child Bonding	FMLA, OR Fam
BC#		CA			05/28/2013	07/28/2013	Continuous	Open	Child Bonding	OR Fam
BC#		UB			04/20/2012	04/19/2013	Intermittent	Approved	Employee health condition (not pregnancy-related)	FMLA, OR Fam
BC#		UB			04/12/2013	07/21/2013	Intermittent	Open	Other person health condition	FMLA, OR Fam
BC#		UF			05/01/2013	07/23/2013	Intermittent	Approved	Other person health condition	OR Fam

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TOOLS for BC Human Resources:
EmpCenter Reports to Monitor LWOP

➢ **LWOP and LWOP – Pre-Approve** report

- o Use to monitor LWOP in current month

- o Run prior to and during time entry

- o Date Range should be the first through the end of the current month *(e.g., This month: July 1, 2013 – July 31, 2013)*

- o Report will include all LWOP on an employee's timesheet that has been recorded

- o Information only as accurate as entered by employee and monitored by supervisor

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TOOLS: EmpCenter Reports to Monitor LWOP
LWOP & LWOP – Pre-Approved Report

TOOLS: EmpCenter Reports to Monitor LWOP
LWOP & LWOP – Pre-Approved Report

Hours Worked by Pay Code from 07/01/2013 to 07/31/2013

Employee Name (ID)	LWOP	LWOP - Pre - Approved	Total
A	9.80	0.00	9.80
A	7.54	0.00	7.54
B	46.72	0.00	46.72
C	0.00	0.00	0.00
C	0.20	0.00	0.20
C	26.39	0.00	26.39
C	7.54	0.00	7.54
D	0.00	15.08	15.08

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TOOLS for BC Human Resources:
EmpCenter Reports to Monitor LWOP

➢ **Leave of Absence – FMLA Protected** report

- o Provides listing of employees currently on protected leave

- o Run prior to time entry

- o Date Range should be the first through the end of the current month
  (e.g., This month: July 1, 2013 – July 31, 2013)

- o Report will **ONLY** include employees on **CONTINUOUS** protected leave

- o Report **DOES NOT** indicate how an employee is being paid and/or unpaid, only that they are on protected leave

- o Need to review employee timesheets to determine pay status

- o Timesheet only as accurate as entered by employee and monitored by supervisor

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TOOLS: **EmpCenter Reports to Monitor LWOP**
Leave of Absence – FMLA Protected Report

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TOOLS: EmpCenter Reports to Monitor LWOP
Leave of Absence – FMLA Protected Report

Hours Worked by Pay Code from 07/01/2013 to 07/31/2013

Employee Name (ID)	Pay Codes	
	Leave of Absence	Total
B███████████████	72.00	72.00
B███████████████	144.00	144.00
B███████████	8.00	8.00
B███████████	88.00	88.00
B███████████	64.00	64.00

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TOOLS: How to Review & Analysis of Reports to Determine Risk of Overpayment

➢ BC Human Resources reviews reports and timesheets and takes appropriate action

- If current month LWOP is beyond normal - assess risk of overpayment

- If LWOP is for a period greater than 3 days, determine if OHR FMLA should be notified

- If timesheet contains "Leave of Absence" *(continuous protected leave)* **with no pay code**, verify how employee will be paid/unpaid *(OHR FMLA is also reviewing for this during the first week of the month)*

- Determine if estimated DOC Pay is needed, calculate, forward to BC Payroll

- Reconciliation of estimated DOC Pay the following month

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TOOLS: How to Calculate Estimated DOC Pay

➢ Calculate number of hours to DOC*

  o Formula = (173.33 hours / working hours in month) * LWOP Hours

  o Use the *LWOP Convert* spreadsheet
    >OHR>Restricted Share>BC-HR Documents>35 Time and Leave Administration>LWOP Convert.xls

➢ Calculate DOC Pay

  o Formula = DOC hours * Hourly Rate

➢ Keep copy of the DOC Pay paperwork to reconcile estimated DOC Pay to Actual timesheet the following month

*173.33 is the "average" number of hours in a month at 1.0 fte. If employee is on flex schedule or less than full-time, "Working Hours Per MO" and "Average Hours PER MO" must be changed to reflect their scheduled hours/month (i.e., 4/10, .75 FTE, etc.)

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TOOLS: Calculating Estimated DOC Pay

Calculate DOC using *LWOP Convert* spreadsheet*

>OHR>Restricted Share>BC-HR Documents>35 Time and Leave Administration>LWOP Convert.xls

YEAR: 2013

MONTH	WORKING HOURS PER MO	AVERAGE HOURS PER MO	ACTUAL HRS LWOP	DOC HOURS TO ENTER
JANUARY (23)	184	173.33		0.00
FEBRUARY (20)	160	173.33		0.00
MARCH (21)	168	173.33		0.00
APRIL (22)	176	173.33		0.00
MAY (23)	184	173.33		0.00
JUNE (20)	160	173.33		0.00
JULY (23)	184	173.33		0.00
AUGUST (22)	176	173.33		0.00
SEPTEMBER (21)	168	173.33		0.00
OCTOBER (23)	184	173.33		0.00
NOVEMBER (21)	168	173.33		0.00
DECEMBER (22)	176	173.33		0.00

*173.33 is the "average" number of hours in a month at 1.0 fte. If employee is on flex schedule or less than full-time, "Working Hours Per MO" and "Average Hours PER MO" must be changed to reflect their scheduled hours/month (i.e., 4/10, .75 FTE, etc.)

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TOOLS: How to Reconcile Estimated DOC Pay to Actual Timesheet the Following Month*

If **actual** LWOP taken is:

➢ **is greater than** the estimated LWOP/DOC Pay, then the DOC Pay should only be for the additional hours. This requires an adjustment of the DOC that is loaded from EmpCenter. (If you simply adjust the Doc hours, it may not correct SAL/REG. It may require removing DOC and re-entering it.)

 Example:
   Estimated prorated LWOP hours were 32.2, actual from timesheet is 35.6.
       * Remove the DOC of 35.6 hours that loaded from EmpCenter
       * Enter 3.4 hrs DOC (35.6 – 32.2 = 3.4).

*BC Human Resources to work with BC Payroll so DOC that is loaded from EmpCenter is removed and/or adjusted.

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TOOLS: How to Reconcile Estimated DOC Pay to Actual Timesheet the Following Month*

If **actual** LWOP taken is:

➢ **is less than** the estimated LWOP/DOC Pay, then the DOC Pay loaded from EmpCenter into PYAHOUR needs to be removed and an adjustment made to pay the employee for the hours that were DOC'd that were above the actual LWOP taken

Example:
Estimated prorated LWOP hrs were 42.3, actual from timesheet is 39.2. Employee was underpaid last month and is owed employee 3.1 hrs.
* Remove 39.2 hours DOC that loaded from EmpCenter
* Enter the hours owed of 3.1 in time entry
(refer to prior month earning codes for pay type).

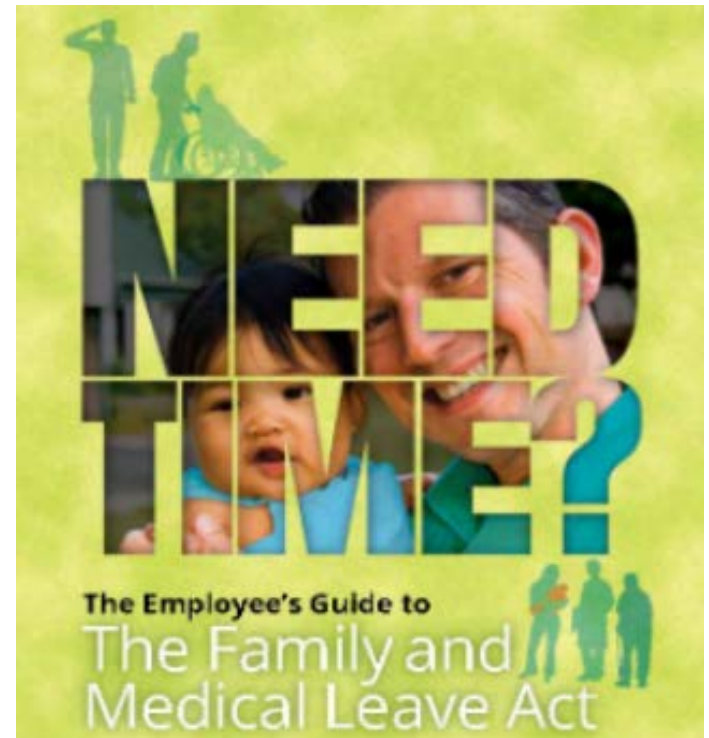*BC Human Resources to work with BC Payroll so DOC that is loaded from EmpCenter is removed and/or adjusted.

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FMLA/OFLA Resources

OSU- OHR FMLA/OFLA Webpage
http://oregonstate.edu/admin/hr/fmla.html

EmpCenter website
http://mytime.oregonstate.edu/

The Employee's Guide to The Family and Medical Leave Act

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Resources

➢ LWOP Convert spreadsheet*
  >OHR>Restricted Share>BC-HR Documents>
  >35 Time and Leave Administration>LWOP Convert.xls

➢ SAIF related issues, refer to http://oregonstate.edu/admin/hr/benefits/wc

➢ FMLA related issues, refer to http://oregonstate.edu/admin/hr/benefits/fmla

➢ Timesheet reporting (Protected Leave), refer to
  http://oregonstate.edu/admin/hr/sites/default/files/ercc/fmla/reporting-protected-leave-on-timesheet.pdf

➢ Paying Extra Hours to Part-time and how Leave-Without-Pay is Calculated
  http://oregonstate.edu/fa/businessaffairs/payroll/archive/leave_wo_pay

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Benefits Staff:

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Protected Leaves (FMLA/OFLA)

Heidi Melton
Workers' Compensation & Filing   of Standard Insurance Disability Claims

Patricia Young
Pension & Retirement Savings

Christina Schaaf
Benefits for BEBC, AABC, HSBC

Jessica Dalziel
Benefits for UABC, FOBC

Whitney Barstad
Benefits for ASBC, AMBC

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