Review leave and benefit programs and how they coordinate

- Sick and Annual Leave
- Disability
- Family Medical Leave
- FML Regulations
- FML Tracking
Confidentiality of Medical Information

Employee medical information is **confidential** under:

- Americans with Disabilities Act of 1990 (**ADA**)
- Family and Medical Leave Act of 1993 (**FMLA**)
- Health Insurance Portability and Accountability Act of 1996 (**HIPAA**)

**Reminders**

- Departmental personnel should not contact healthcare providers
- Any medical information must be maintained in a confidential medical file separate from personnel information
- Disclose medical information only to those who have a business need-to-know
Annual Leave

**Academic Faculty / Admin Pro**
*(Determined by CSU)*

Appointments of less than full-time but at least half-time earn leave prorated by the percentage of their appointment

- Faculty and Administrative Professionals on Regular, Special or Senior Teaching Appointment
- 12-Month Appointment
  - **Annual Leave:** 2 Days (48 Day Max)

**State Classified Staff**
*(Determined by State of Colorado)*

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*(Part-time employees’ leave is prorated.)*
Sick Leave

Academic Faculty / Admin Pro
(Determined by CSU)

- Appointments of less than full-time but at least half-time earn leave prorated by the percentage of their appointment
  - Faculty Regular, Special or Senior Teaching appointments
  - Admin Pros on Regular or Special appointments
  - 12 or 9-Month Appointment
    - **Sick Leave:** 1.25 Days (No Max)
  - **New Hires:** Front-loaded sick leave

State Classified Staff
(Determined by State of Colorado)

- State Classified
  - **Sick Leave:** 6.66 Hours (360 Hour Max)
    
    *(Part-time employees’ leave is prorated.)*

- Colorado State University
- MyHR
  Working Together
Short Term Disability

**Academic Faculty / Admin Pro**
*(Determined by CSU)*

- Employee is eligible as of date of hire
- Provides continuation income for up to 60 continuous work days
- Replacement of covered monthly base salary at 100%
- 10 day elimination period or after sick and annual leave is exhausted, whichever is later

**State Classified Staff**
*(Determined by State of Colorado)*

- Employee is eligible as of the first of the month following date of hire
- Provides income replacement for up to 150 calendar days
- Replacement of 60% of pre-disability earnings
- 30 calendar day elimination period
  - Sick leave must be exhausted (or annual leave up to 30 day elimination period)
- Employees with 12 months of State service are also eligible for STD Leave
Federal law providing job protected leave which was enacted on August 5, 1993

Employed for at least 12 months

Worked at least 1,040 hours in the 12 months immediately preceding the need for leave (for temporary AFAP employees)

Employee’s own serious health condition as substantiated by a health care provider

Birth or adoption of a son or daughter and to care for the newborn child

Care for child, parent or spouse with a serious health condition
FEATURES

• **12 Weeks**: Faculty, Admin Pro and Other Non-Classified Staff
• **13 Weeks**: State Classified
  o Entitlement is prorated based upon the employee’s normal schedule

• Types of FMLA
  o Continuous
  o Intermittent / Reduced Schedule

• Married employees who are both employees
  o Entitlement for **each employee** for birth or adoption of child
  o **Each employee** receives their own entitlement for own serious health condition or serious health condition of child, spouse or parent
**FMLA Regulations**

**HR LIAISON**

- **Send** initial FMLA paperwork
  - Notice of Rights and Responsibilities - 5 **business days**
  - Medical Certification Form - 15 **calendar days**
    - Employee’s Serious Health Condition
    - Family Member’s Serious Health Condition
  - Designation Notice – 5 **business days**
- **Monitor** compliance with FMLA designation and keep track of FMLA hours used
- Send photocopies of Notice, medical certification form and Designation Notice to HR

**FEDERAL REGULATIONS PROHIBIT**

- Interfering with or discouraging the use of FML
- Breaching confidentiality of health information
- Discharging or discriminating
- Retaliation
MEDICAL CERTIFICATION

- Certification forms must provide sufficient information to make an FML determination
- Intermittent leave is allowable when medically necessary
- If a certification is incomplete or insufficient
  - A certification is considered *insufficient* if it is incomplete or if the information provided is *vague or ambiguous*
  - Sections may not be left blank or completed as ”Unknown”
  - A department must state on the Designation Notice what information is needed to make it complete and sufficient
- Employer must provide *7 calendar days* to cure any deficiency
  - If the deficiencies are not cured in the resubmitted certification or the certification is not returned, the FMLA *may be denied*
Tracking of FML

DOCUMENTING LEAVE

- Record FMLA leave in **TimeClockPlus**
  - FMLA runs concurrently with both paid and unpaid leave
  - Must use of all paid leave prior to leave without pay; otherwise FMLA is unpaid
  - FMLA leave recorded in TimeClockPlus **must not exceed** the entitlement
  - All leave without pay (LWOP) must be entered in Oracle
    - Entry in TimeClockPlus for record-keeping purposes only

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- **Faculty / Admin Pro**: Rolling Forward (Eligible the first date the employee uses leave, 12 months later)
- **State Classified**: Rolling Backward (Measured backward from the date an employee uses FMLA leave)
General guidelines for when an employee may need FMLA:
- In-patient hospital stay
- Absence of more than 3 working days for health related reasons
- Receiving treatment or under the care of a health care provider
- A regimen of prescription drugs or therapy
- Periodic absence due to a chronic condition
- Birth of a newborn or adoption

TIPS FOR SUCCESSFULLY MANAGING FMLA
- Timely notify employees of their rights under FMLA
- Follow-up with employees when documentation is due
- Communicate standards for call-in procedures
- Record usage of FMLA and track FMLA entitlement available
- Be consistent, fair and equitable when offering flexibility
- Obtain doctor’s release for return to work from continuous leave
Questions?

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