



## FMLA Frequently Asked Questions

### **What is the Family and Medical Leave Act (FMLA)?**

- FMLA is a **federal law**, not a company policy.
  - When you apply for FMLA, you agree to abide by the government guidelines of this law and provide all documentation requested. Additionally, PDC Machines has strict guidelines and deadlines that we must follow on our end.
- FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to **up to 12 workweeks** (60 workdays) of leave in a rolling 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
  - to care for the employee's spouse, child, or parent who has a serious health condition
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
  - twenty-six work weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave)
- There are 2 types of FMLA:
  - Block – all time taken consecutively
  - Intermittent – days taken on an as-needed basis (as directed by medical professional)

### **Who is eligible for FMLA?**

- To qualify for FMLA, an employee must have worked at the company for a period of 1 year and worked at least 1250 hours during the preceding 12 months.

### **Will I be paid while on FMLA?**

- FMLA is an unpaid leave of absence. If you have a positive PTO balance, you must use your positive balance up to (80 hours) at the front end of your FMLA Leave of Absence.
  - You must put your PTO request prior to your first day of leave. If no time-off request submitted, payroll will automatically apply PTO to your leave of absence.
  - All paid leave, including PTO, runs *concurrently* with FMLA. It does not extend FMLA on either end.

### **Will I receive holiday pay for any holidays that occur while on FMLA?**

- Employees will not be paid for any holidays that fall within the time period that they are out on leave.

### **What do I need for FMLA?**

- FMLA requires documentation from a medical professional. The medical documentation that you submit with your FMLA application must match the circumstances of the leave you are requesting.
  - Example: You cannot request 12 weeks of FMLA if your medical documentation states you only need 6 weeks.
  - Falsifying FMLA documentation is punishable by immediate termination or, in some cases, punishable by law

- PDC Machines will contact the medical professional who provided your documentation for verification purposes.
  - If we are unable to reach the medical professional to verify the documentation, your FMLA will be denied.
  - PDC Machines reserves the right to ask for a second opinion by a physician of our choosing, at the cost of the employer, should there be any question regarding your request for FMLA.

### **What is the procedure for applying for FMLA?**

1. Contact Human Resources and ask for paperwork at least 30 days in advance, if possible.
  - a. For unplanned absences, the request form must be turned in on the first day of an employee's absence. The medical documentation must be turned in 15 days from the first day the employee is out.
  - b. For absences where an employee is incapacitated and unable to provide the request form on the first day of absence, the request form and medical documentation should be submitted as soon as the employee is able to provide the documentation.
2. It is up to the employee to complete all associated FMLA paperwork and supply all required medical documentation with the FMLA paperwork.
  - PDC Machines FMLA Request Form
  - US DOL Form FMLA 381
  - US DOL Form FMLA 380 (Medical Professional completes this form)
  - MetLife Short-Term Disability form (if applicable)
3. Schedule an in-person meeting with Marissa Coyne or Lauren Prendergast to go over your FMLA request. You will be notified during that meeting if your request is approved or denied.
  - If approved, you will receive a personalized Benefits Continuation Letter which includes all employee paid premiums, and dates they need to be paid to PDC Machines to maintain your employee benefits throughout your leave.
    - i. Employee must acknowledge each bullet point on the final page of this letter
  - If denied, you will given specific details as to why. Some reasons for denial:
    - i. Paperwork not completed correctly
    - ii. Dates the employee requested do not match the documentation from the medical professional
    - iii. Medical documentation incomplete
    - iv. Medical documentation does not support what the employee is requesting
    - v. Medical documentation is not specific
    - vi. Your request does not meet the guidelines for FMLA

### **What is the procedure for applying for an FMLA extension?**

1. If you require an extension of your approved FMLA, you must contact Marissa Coyne or Lauren Prendergast with a formal request at least 2 business days **before** your original FMLA end date.
  - You must supply her with a new FMLA request form with the extension dates, FMLA paperwork (DOL Form 380/381), and medical documentation.
2. New documentation supporting your need for an extension will be required at least 2 business days **before** your original FMLA end date.
  - Late or incomplete requests will be denied.
  - Do not assume your request is approved without expressed, written approval from Human Resources.
  - If Human Resources is unable to verify your extension documentation prior to the expiration of the initial request, you will incur Attendance Points (if applicable) for each day until the documentation is verified.

**Is PTO accrued while on FMLA?**

- PTO is not accrued throughout the duration that an employee is out on FMLA. When an employee returns to work, they will begin accruing PTO again.

**What happens to my benefit premiums when I'm out on FMLA?**

- You are responsible for your employee-paid benefit premiums during FMLA. Instructions on how to pay those premiums will be outlined in your personalized FMLA Benefit Continuation Letter.

**Can I apply for Short Term Disability (STD) if I'm taking FMLA?**

- If you are using FMLA for your own medical condition and that condition meets certain medical guidelines, you may qualify for STD. FMLA and STD would run concurrently.

**Do I have to use PTO for my FMLA leave if I qualify and am approved for Short Term Disability (STD)?**

- There is a 7-day waiting period for STD. You will need to use PTO to cover those 7 days. After the 7-day waiting period, you don't need to use PTO for the remainder of your FMLA leave as you will be paid through STD.

**If I use the full 12 weeks of FMLA, can I request FMLA again later in the year and get another 12 weeks?**

- No, you won't be granted an additional 12 weeks. FMLA is based on a rolling 12-month period.
  - For example, let's say you use 8 weeks of FMLA from March to May and then need to go out on FMLA again in January, you will only be able to use the remaining 4 weeks of FMLA as the rolling 12 months for the FMLA will be from March to March.

**What happens if I don't return from FMLA?**

- If you do not return from FMLA on the workday after the approved FMLA end date, you will receive Attendance Points per the Attendance Policy (see last page of this document for copy of the policy) and will be subject to our progressive discipline policy, up to and including termination.
- If you do not return from FMLA at all, we will consider that job abandonment and the law requires you to repay all employer-paid benefit premiums that PDC Machines paid during your FMLA.

## PDC Machines Acknowledgement

The signature page of this acknowledgement is the final stage of the FMLA approval process.

\_\_\_\_\_ I received, reviewed, and understand my personalized FMLA Benefits Continuation letter provided to me by PDC Machines.

\_\_\_\_\_ I understand that I am not required to maintain my company-sponsored benefits during FMLA leave of absence.

\_\_\_\_\_ If I choose to continue company-sponsored benefits during my leave of absence, I understand that I am responsible for continuing to pay my portion of my benefit premiums directly to the company on the first Monday of each pay period.

\_\_\_\_\_ I understand that if my FMLA leave of absence is for a pre-defined amount of time, that I have the option to pre-pay my premiums.

\_\_\_\_\_ I understand that if I do not pay the company for my benefit premiums, or if my payment is fourteen (14) days late, the company will cancel my benefits, and that I can reinstate those benefits upon my return from FMLA/STD.

\_\_\_\_\_ I understand that if I do not return from FMLA on the date specified, that I am legally obligated to pay PDC Machines not only for the employee-paid premiums, but the employer-paid premiums as well.

- My Employee Benefit Contribution (per pay period): \_\_\_\_\_
- PDC Machines Benefit Contribution (per pay period): \_\_\_\_\_

\_\_\_\_\_ I understand that I do not accrue PTO during my leave of absence.

\_\_\_\_\_ I understand that I am required to use up to 80 hours of positive PTO at the front end of my FMLA leave.

\_\_\_\_\_ I understand that any extension for FMLA must be submitted with supporting documentation from a follow-up medical exam prior to the end date of my originally requested / approved leave.

\_\_\_\_\_ I understand that my leave / extension is not approved until I receive the approval from HR in writing.

\_\_\_\_\_ I understand that if I am on Short-Term Disability concurrently during my FMLA Leave of Absence, that company policy requires that I use PTO towards the 7-day waiting period. If I do not have enough PTO to cover the 7-day waiting period, the balance after PTO is applied will be unpaid.

\_\_\_\_\_ I understand that if I am on Short-Term Disability concurrently with my FMLA Leave of Absence, that the only deductions that will be taken from my STD check are: Medicare and Social Security Taxes. Federal, State and Local withholding are not deducted from the gross STD total.

- I will be continuing my benefits for the duration of my FMLA and agree to the conditions outlined above.
- I will **not** be continuing my benefits during my FMLA leave of absence.

FMLA Start Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

HR Rep: \_\_\_\_\_

## **Attendance Point System**

Lateness 5 minutes up to 4 hours - .5 point

Leave more than 30 minutes early with 0 PTO balance - .5 point

Work less than 4 hours of regularly scheduled 8-hour shift -1 point

Same-day call out with 0 PTO balance - 1 point

Intentional Absence – 2 points

No call, no show – 2 points

**3 Points = Verbal Warning**

**5 Points = Written Warning**

**7 Points = Termination**

\*Points drop off after 6 months (180 days) after the infraction\*

## **Emergency Occurrence Pass (EOP)**

An Emergency Occurrence Pass (EOP) is defined as time-off not charged to an employee's accumulated attendance point tally.

- Each employee is granted 3 EOPs per calendar year.
- Once you have exhausted your 3 EOPs, all tardiness or non-scheduled days missed will be counted against attendance point accrual system.
- Examples of EOP uses: **Unexpected** daycare/school pickup, school closings, car trouble, family emergency, other unplanned, non-avoidable “life-related” events.
- Examples of non-eligible EOP uses: Scheduled doctor’s appointment, scheduled child/family events, court appearances, extending your vacation, other events that can and should be scheduled around regularly-scheduled work hours.