

# The Department's Manual for Family Medical Leave Process and Procedures



*FML Manual*

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## Training Notes:



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# Family Medical Leave Process and Procedures



This course is designed to provide CDOT FML Liaisons with the knowledge and skills required to apply the processes used by CDOT's FML Program.

When using this Manual it is best to use this in conjunction with the FML SharePoint site where the latest version of all FML documentation is found.

The link to the FML SharePoint site is:

<http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

### Training Notes:



# Introduction

*The Department's Manual for FML Process and Procedures*

# Course Agenda



## Introduction

Section 1 – Roles and Responsibilities

Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

Section 4 – Certification

Section 5 – Certification Evaluation

Section 6 – FML Designation

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## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation Notice and the responsibility of the FML Liaison in the designation process

The description of sections 7 through 12 are continued on the next page



## Course Agenda



- Section 7 – FML Workbench
- Section 8 – Leave and Timesheet
- Section 9 – FML and Workers’ Comp
- Section 10 – Monitoring FML
- Section 11 – Completing the Process
- Section 12 – Case Study
- Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how to create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers’ Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

There is an open work session at the end of this course where you can practice and ask additional questions.

## Course Prerequisites

Prior to taking this course, you should have completed the following courses:

- SAP Navigation
- SAP Timekeeping



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### Training Notes:

If you have not taken the courses above and are concerned about your ability to effectively participate in this class, let the instructor know at the first available break. The instructor will work with you to get additional training on the above courses, or will reschedule the course for another time, after you have completed the above courses.

## Course Learning Objectives

At the end of this course, you should be able to:

- Identify the roles and responsibilities of the FML Liaison, employees, supervisors and the appointing authorities (or designee) based on Procedural Directive 1206.1
- Determine qualifying conditions for FML Eligibility
- Certify individuals for FML
- Evaluate FML forms such as the Medical Certification for completeness and accuracy
- Perform transactions in SAP to support CDOT's FML Program

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### Training Notes:

#### **TAB 01** – CDOT Procedural Directive 1206.1

- The slide above contains the high-level learning objectives from the course. At the end of this course you should be able to complete and/or describe each of the items bulleted above. At the end of this course the instructors will review the list and confirm your understanding.
- The procedural directive describes the FML Program and process that is taught in this course.

# Participant Introductions

Please take a moment to share:

- Your name
- Your role within CDOT
- Your FML and SAP experience
- Your expectations of this course



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## Training Notes:

- Introduce yourself, and briefly tell us why you are taking this course, your experience with CDOT, your expertise with the subject matter and SAP.
- The expectations you state about the course will be used by the instructors to stress the content you want to get from the course.

## Learning Logistics

- Regular breaks built into the class schedule
- Classroom participation encouraged; ask, answer, and participate in the discussion
- Parking lot used to capture questions for in-class follow-up

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- The above are the expectations for all of the participants in the course.
- Actively participating in the course and sharing your experience is greatly encouraged as the whole class benefits.
- Any parking lot questions not directly answered during the course will be answered via email to the participants within two weeks of completing the course.

### Training Notes:

## Your Contributions to a Positive Learning Environment

- Please respect the other participants by silencing your cell phones
- Focus on the course, please only use the Internet and email over lunch and break times
- Please delay your side conversations until break times
- Attend the entire course to obtain credit for successful course completion
- Return from breaks by the specified time

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### Training Notes:

- Please turn off or silence any electronic devices.
- Refrain from browsing the Internet, sending/reading text messages, or sending/reading e-mails during the course.
- Multiple conversations going on concurrently do not contribute to a good learning environment.
- You must attend the entire class to get credit for the course; if more than 30 minutes missed you will not get credit for attending the course
- Ask questions and actively participate in the course.

## Did you know...

In February 2013, the Department of Labor estimated:

- One-sixth of the FMLA-covered workforce takes leave for FMLA reasons each year
- 90 million are covered and eligible for FMLA leave
- Forty percent of workers who took FMLA leave were away from work for 10 days or less

For FY 2014-15, CDOT had 559 employees with an FML event or about 15 percent of CDOT

### Training Notes:

**Source:** A Look at the U.S. Departments of Labor's 2012 Family and Medical Leave Act Employee and Worksite Survey:

- <http://www.nationalpartnership.org/research-library/work-family/fmla/dol-fmla-survey-key-findings-2012.pdf>

# What is FMLA?

- FMLA started in 1993 as a Federal law that permits employees to take up to 12 weeks of unpaid leave with job protection
- The State of Colorado provides 13 weeks of unpaid leave with job protection
- Federal Law requires employers to post the Employee Rights and Responsibility poster



## Training Notes:

**TAB 01** - CDOT Procedural Directive 1206.1

**TAB 02** – State Personnel Board Rules Chapter 5

### What is FMLA?

The Family and Medical Leave Act (FMLA) 1993 is a federal law that permits employees to take up to 12 weeks of *unpaid leave with job protection*. Colorado has an additional week. Previously there was no federal job protection for personal illness, pregnancy or family medical conditions. As the name suggests, the reason for the leave must be related to family and medical issues.

### Job Protection

One of the primary benefits of FMLA is job protection it offers to an employee who uses the leave. Upon returning to work, the employee must be restored to their original job or an equivalent position. This prevents employers from demoting someone as “punishment” for using the leave.

State Personnel Director’s Administrative Procedures Chapter 5 determine the usage of Family Medical Leave in the State Personnel System.

CDOT Procedural Directive 1206.1 details the implementation of the Family and Medical Leave Program for this Department.

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**TAB 03** - Employee Rights and Responsibilities Under the Family and Medical Leave Act (The Poster)

**Employee Rights and Responsibilities**

The “Employee Rights And Responsibilities Under The Family And Medical Leave Act” [English and Spanish versions] “The **Poster**” is located on the state web site:

- <https://www.colorado.gov/pacific/dhr/dhrforms>
- By law the Employee Rights and Responsibilities poster must be displayed in conspicuous places accessible to both applicants and employees
- Was emailed to all current CDOT employees in January 2009
- Copy must be provided to all new hires
- Provided to employee at start of FML paperwork process

**Training Notes:**

# Section 1



## Roles and Responsibilities

*The Department's Manual for FML Process and Procedures*

# Course Agenda



Introduction

**Section 1 – Roles and Responsibilities**

Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

Section 4 – Certification

Section 5 – Certification Evaluation

Section 6 – FML Designation

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## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation form and the responsibility of the FML Liaison in the designation process

# Section 1 - Learning Objectives

1

*At the end of this section, you should be able to:*

- Describe the high-level Responsibilities of:
  - The FML Liaison
  - Employee
  - Supervisor
- Identify who to contact if you need help or have questions about FML

## Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# FML Liaison Responsibilities



The FML Liaison is responsible for:

- Maintaining Confidentiality concerning the Employee's Condition
- Informing the Appointing Authority (or designee) and Supervisor
  - Employee has provided documentation certifying a qualifying condition
  - Duration of absence
- Completing/providing documents and forms
- Monitoring FML absences through SAP



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## Training Notes:

**TAB 04** - Confidentiality Agreement Form

**TAB 01** – CDOT Procedural Directive 1206.1

### FML Liaison Responsibilities

One of the most critical components of this role is to maintain confidentiality concerning an employee's condition. To ensure confidentiality, only the FML Liaison will have knowledge of the medical condition involved. The FML Liaison will inform the Appointing Authority (or designee) and supervisory chain only that an employee has provided documentation certifying a qualifying condition under FMLA. Additionally, the FML Liaison will share information concerning the anticipated duration of absence and/or need for intermittent leave usage, reduced work schedule and/or work restrictions.

#### Responsibilities include:

- Sign a confidentiality agreement which becomes a part of the FML Liaison's official personnel file
- Act as the contact point to initiate the FML intake and paperwork process
- Initiate the FML paperwork process when notified of a Workers' Comp case
- Issue the Short Term Disability (STD) information letter
- Receive and evaluate medical certification forms
- Facilitate completion of the FML Designation form by the Appointing Authority (or designee)
- Establish and maintain accuracy of PTFMLA workbench in SAP

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- Assist employee with completing his/her time sheet
- Notify Payroll by the 15<sup>th</sup> of any month when there is Leave Without Pay (LWOP)
- Monitor usage of the FML year entitlement and keep employee as well as supervisory chain apprised regarding the employee's FML status
- Request recertification of FML documents as appropriate/necessary from employee
- Reconcile timesheets of employees on FML, including concurrent usage of Injury Leave/Make Whole for employees on Workers' Compensation
- Provide an employee's FML files to the ADA Coordinator in the event of a potential evaluation under the ADA

**Training Notes:**

# Supervisor Responsibilities



The Supervisor is responsible for:

- Maintaining confidentiality
- Communicating to the FML Liaison:
  - FML needs of Employee
  - If the Employee has used more than three consecutive days of sick leave
  - Injuries on the Job
- Approving the Employee's timesheet and accommodating work schedule
- Provide duty statements from Employee's PDQ



## Training Notes:

### TAB 01 – CDOT Procedural Directive 1206.1

#### Supervisor Responsibilities

If an employee notifies the supervisor of the incident, the supervisor is to notify the FML Liaison immediately.

#### Supervisor Responsibilities include:

- Protect the confidentiality of the employee and reason for using FMLA
- Communicate with the FML Liaison regarding employee FML needs
- Refer the employee to the FML Liaison to initiate the FML process and to ensure the employee is notified of their rights under the FMLA
- Interact with their employees to accommodate work schedule needs and leave related to FML
- Notify the FML Liaison if an employee has used sick leave for more than 3 consecutive days
- Approve time sheet, including FML absences weekly to ensure accurate calculation of FML balances
- Notify the FML Liaison when an injury on the job occurs
- Make available to the FML Liaison, an electronic copy of the duty statements from the employee's PDQ
- Communicate with the FML Liaison regarding employee FML needs
- Refer the employee to the FML Liaison to initiate the FML process and to ensure the employee is notified of their rights under the FMLA

# Employee Responsibilities



The Employee is responsible for:

- Understanding their FML rights
- Notifying the supervisor and/or FML Liaison of the possible FML condition
- Accurately completing required forms
- Provide supporting documentation per timeline established in rule and law
- Entering time in their time sheet



## Training Notes:

**TAB 03** - Employees Rights and Responsibilities Under the Family and Medical Leave Act (The Poster)

**Employees Responsibilities include:**

- Knowing their FML rights
- Notify the supervisor and/or FML Liaison of the possible FML condition
- Accurately complete required forms (Including the medical certification and fitness to return when requested)
- Provide supporting documentation per timeline established in the rule and law
- Enter time in their time sheet
- Communicate with the Liaison regarding FML status according to the agreed upon schedule



# Guidance and Assistance



The Employee Relations Office is responsible for:

- Providing guidance and assistance to FML Liaisons and employees
- Contacting medical providers for clarification
- Only Employee Relations is authorized to contact medical providers for FML purposes



## Training Notes:

### Guidance and Assistance Information

The Employee Relations Office in HR is responsible for the FML Program at CDOT. This office is responsible for:

- Providing guidance and assistance to FML Liaisons and employees
- Contacting medical providers for authentication and clarification. Only ER is authorized to contact medical providers for FML purposes
- Forms on DPA <https://www.colorado.gov/pacific/dhr/dhrforms>
- Forms on FML Liaison SharePoint: <http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

For contact details of the Employee Relations office click on the following link.

- <http://intranet.dot.state.co.us/business/center-for-human-resources-management/humanresources-contacts>

# Check Your Knowledge

Identify role responsible for the actions listed below:

Responsibility	Role
----------------	------

1. Act as the contact point to initiate the FML intake and paperwork process
2. Furnish completed certification forms to CDOT
3. Receive and evaluate medical certification forms
4. Approve timesheet, including FML absences, in a timely manner



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## Training Notes:

### Question 1:

Act as the contact point to initiate the FML intake and paperwork process

#### Answer:

- FML Liaison

### Question 2:

Furnish completed certification forms to CDOT

#### Answer:

- Employee

### Question 3:

Receive and evaluate medical certification forms

#### Answer:

- FML Liaison

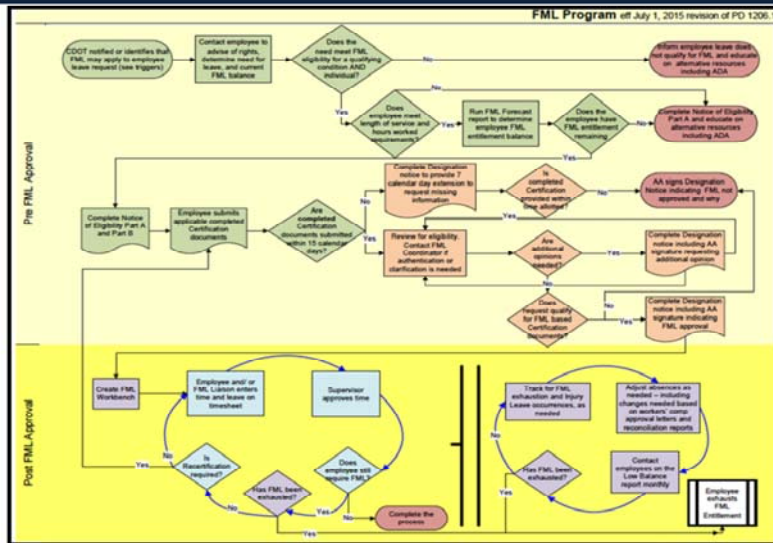
### Question 4:

Approve timesheet, including FML absences in a timely manner

#### Answer:

- Supervisor

# FML Process Overview



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## Training Notes:

**TAB 05 – FML Process Overview**

**TAB 06 – FML Checklist**

### High level Overview of FML Process

- The following is a high-level overview of the FML Process. This is a summary of the FML process and all of the steps of this process will be explained in more details later in the course
  - Light Yellow: Pre FML Approval Process
    - Green: Eligibility check
    - Orange: Designation process
  - Dark Yellow: Post FML Approval Process
    - Blue: Managing the FML event
    - Purple: Tracking FML usage and exhaustion
- Because there are many steps to the FML process, the FML Checklist has been created to help make sure all steps of the process are completed.

## Section 2



## **FML Entitlement and Eligibility**

*The Department's Manual for FML Process and Procedures*

# Course Agenda



## Introduction

Section 1 – Roles and Responsibilities

## Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

Section 4 – Certification

Section 5 – Certification Evaluation

Section 6 – FML Designation

## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
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- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation form and the responsibility of the FML Liaison in the designation process

## Section 2 - Learning Objectives

2

*At the end of this section, you should be able to:*

- Describe the FML leave entitlements for:
  - Use of leave
  - Pay and benefits
- Identify who is eligible for FML leave
- Check eligibility for FML in SAP

### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# FML Entitlements



FML entitlements include:

- 520 hours (13 weeks) per rolling 12 month period
- 1040 hour (26 weeks) military caregiver entitlement
- Prorated amount for part-time employees

## Training Notes:

### Leave Entitlements and Use of Leave

The following are the FML leave entitlements and use of leave for FML qualified Employees:

- Regular FML allows 520 hours [13 weeks] per unique 12 month period
- PRORATED for Permanent Part Time-(PPT)
  - Based on planned work schedule
- Military Family Caregiver FML allows 1,040 hours [26 weeks] in a single twelve month period (PRORATED for PPT)
- Can be used on continuous, intermittent, or reduced schedule basis

# FML Calculation



FML entitlement is calculated based on a “rolling” 12 month period measured backwards from the date an employee begins using FML Leave

## Training Notes:

### FML Calculation

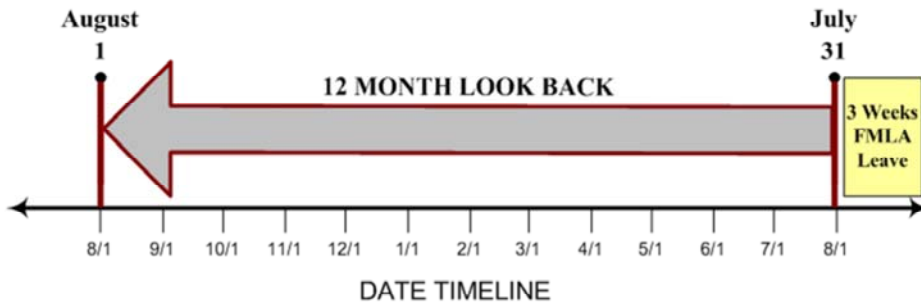
- The time period when the FML entitlement is available for use is calculated based on a rolling 12 month calculation
- Under the “rolling” method, CDOT adds up all the FMLA time the employee has used during the previous 12 months and subtracts that total from the employee’s 13-week leave allotment
- Therefore, when calculating an employee’s available FML entitlement, the balance equals 13 weeks minus whatever portion of FML the employee used during the 12 months preceding that day
- This is covered in more detail as we go through the course and there are two examples which follow which help to explain how the “rolling” 12 month calculation is derived.



## Example One "Rolling 12 Month"

Michael requests three weeks of FML leave to begin on July 31<sup>st</sup>

- No previous FML leave has been used



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In this example, the FML Liaison looks back 12 months (from July 31<sup>st</sup> back to the previous August 1<sup>st</sup>) to see if any FML leave had been used.

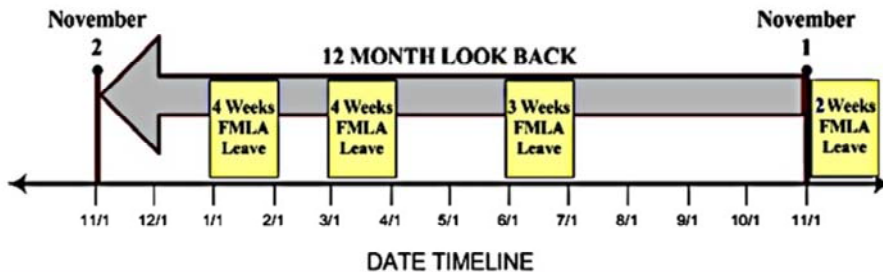
***Michael had not taken any previous FML leave, so he is entitled to the three weeks he requested and has ten more weeks available.***

### Training Notes:

## Example Two “Rolling 12 Month”

Patricia requests two weeks of FML leave to begin on November 1<sup>st</sup> and has taken the following FML leave:

- Four weeks beginning January 1<sup>st</sup>
- Four weeks beginning March 1<sup>st</sup>
- Three weeks beginning on June 1<sup>st</sup>



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In this example, the FML Liaison looks back 12 months (from November 1<sup>st</sup> back to the previous November 2) and sees that Patricia had taken four weeks of FMLA leave beginning January 1<sup>st</sup>, four weeks beginning March 1<sup>st</sup>, and three weeks beginning June 1<sup>st</sup>. Patricia has taken 11 weeks of FMLA leave in the 12 month period and only has two weeks of FMLA-protected leave available.

***After Patricia takes the two weeks in November, she can next take FMLA leave beginning January 1<sup>st</sup> as the days of her previous January leave “roll off” the leave year.***

### Training Notes:

# FML and Benefits



- Provides unpaid job protection
- Runs concurrently with paid leave, STD, Workers' Comp
- Continuation of health benefits
- Contact Benefits Coordinator for help

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## Training Notes:

### Pay and Benefits

The following are the pay and benefits extended to FML qualified Employees:

- FMLA guarantees UNPAID job protection
- FMLA is not a new type of additional paid leave
- State of Colorado requires that all paid leave, comp time, and make whole under worker's comp run concurrently with FMLA, and does not extend the time to which the employee is entitled.
- Employee must use all accrued paid leave before being placed on unpaid leave for the remainder of FML.
  - **EXCEPTION:** Exhaustion of annual leave is not required while receiving Short Term Disability (STD) salary benefits
- While an employee has paid leave running concurrently with FML, leave accrual continues. Leave accruals are prorated for partial months of LWOP.
- During paid FML, the employee's portion of health insurance premiums will continue to be covered by regular payroll deduction. During unpaid FML or unpaid STD leave, the State continues to pay its share of premiums, but the employee becomes responsible to pay their share by the first of the month of coverage. Once all FML and/or STD job protection is exhausted, the employee becomes responsible to pay BOTH portions of insurance premiums.
- STD job protection (up to 180 days in a twelve month period) runs concurrently with FML
- Contact CDOT Benefits Coordinator [dot\\_benefits@state.co.us](mailto:dot_benefits@state.co.us) for more information regarding benefits and STD
- Employee Benefits Website:  
<http://intranet.dot.state.co.us/employees/benefits>

## Who is Eligible for FML Leave

- Permanent Employee with 12 months of state service
- Temporary Employees with 12 months of state service and 1250 hours of work within the last 12 months



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### Training Notes:

#### Eligibility for FML Leave

- Permanent employees require a total of 12 months of state service (including temporary time) **AND** have entitlement remaining in the unique twelve month period during which FML leave is requested
- The 12 months do not need to be continuous
- Temporary employees require 12 months total of state service; PLUS must have worked 1,250 hours within the 12 months prior to the date leave will begin

#### NOTE:

Temporary employees can be eligible for the job protection provided by FMLA, but do not accrue any paid leave and do not track LWOP on the timesheet; therefore, FML hours cannot be tracked in SAP. For Permanent Part Time employees, the workbench can be used for FML while the employee is on paid leave; however, FML - LWOP cannot be tracked on the workbench because Permanent Part Time employees do not enter LWOP on their timesheet. In these instances contact the FML Program Manager for additional assistance.

# Checking for Eligibility in SAP



## PA20

- Determine total State service using date specification infotype

## CADO

- If a Temporary Employee has worked 1250 hours in previous 12 months



## Training Notes:

**TAB 07** – PA20 – Display HR Mater Data

**TAB 08** – CADO – Display Time Entry Status with a Variant

### PA20 Display HR Master Data

Transaction PA20 is used to determine the total state service of the employee.

- See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: SAP Online Learning and Training → [Human Resources](#) → Personnel Administration → Reporting → [PA20 - Display HR Master Data](#)

This is performed by using:

1. Date Specification infotype (0041)
2. Z5 – Leave Accrual date

### CADO Display Time Entry Status with a Variant

Transaction CADO is used to determine if a temporary employee has worked at least 1,250 hours in the previous 12 months

1. Select Attendances variant
2. Enter the PERNR
3. Select other period as Report Period and enter the last twelve months as the date range

## Learning Activity: Demo 2.1



**Transaction:** PA20 – Date Specification (IT0041) and CADO

**Scenario:** Terry retired from CDOT on 6/30/2010 and was rehired on 8/1/2011 as a temporary employee. She has requested FML beginning September 1, 2011. We will use PA20 and CADO to determine if she is eligible.

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### Training Notes:

#### TAB 07 – PA20 Display HR Mater Data

- See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: SAP Online Learning and Training → [Human Resources](#) → Personnel Administration → Reporting → [PA20 - Display HR Master Data](#)

## Learning Activity: Exercise 2.2



**Transaction:** PA20 – Date Specification (IT0041)

**Scenario:** Robert Baby is expecting a child and has requested 6 weeks off for paternity leave beginning in May. Use SAP to determine if Robert is eligible for FML.

What is the leave accrual date? Does Robert have 12 months of state service?

**Leave accrual date:** \_\_\_\_\_

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### TAB 07 – PA20 – Display HR Mater Data

Now it's your turn to practice using the transaction. Review the above scenario to execute the transaction in SAP.

- See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: SAP Online Learning and Training → [Human Resources](#) → Personnel Administration → Reporting → [PA20 - Display HR Master Data](#)

### Training Notes:

## Checking for FML Entitlement in SAP



- Employee FML Balance Report
  - Portal and ZH61
- Liaison FML Forecast Report
  - ZH62

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### Training Notes:

**TAB 09** – FML Balance Report (Portal View)

**TAB 10** – ZH61 – FML Balance Report

#### Checking for FML Entitlement in SAP

The Family Medical Leave Balance Report is available to all employees from a work computer in the SAP Portal effective July 1, 2015.

The following are the directions to access the report for the Employee.

1. Open Internet Explorer from your work computer
2. Scroll to the bottom right of the home page
3. Click on: "SAP Portal"
4. Sign-in to the Portal as usual
5. On the page that displays , in the upper left, click on: Employee Self Service
6. On the page that displays, look to the middle under Working Time, and CLICK on: Family Medical Leave Balance
7. The Family Medical Leave Balance Report will open, showing the number of FML job protection hours available to you as of the current date, and also the dates in the future on which you will have additional FML hours restored



# FML Balance Report

Employee FML Balance report:

- A report used by the Employee to obtain FML balances
- Based on approved FML absences
- Available in SAP portal and in SAP using t-code ZH61
- Displays FML balances as of the system date

## Training Notes:

### TAB 10 – ZH61 FML Balance report

#### FML Balance Report

The FML Balance Report is a custom transaction created to display the FML balances of an Employee based upon the system date when the report runs. The following are details of the report:

- Calculated based on **approved** FML absences on the timesheet in the last 12 months
- **Does not** include **Future** approved FML absences
- Displays the date and number of FML hours that will be earned back in the upcoming 12 months
- Takes leap year into account
- Serves as notification to the employee when entitlement amounts change
- Only available to Permanent Full Time Employees
- PPT needs to be manually calculated

# FML Balance Report

Report Date: 04/07/2015  
Employee Name: Last1172, First1172 (00001172)

Today's balance of FML job protection is based on the amount of FML approved on your time sheet in the prior twelve months. Today's balance does not take into account any future FML absences. This report satisfies §825.300(c)(1)(vi)(4) of the FMLA requiring notice to employees when entitlement amounts change during the applicable twelve month period.

Date	# of FML Hours Restored	FML Balance
04/07/2015	8.00	431.50
07/02/2015	1.00	432.50
07/09/2015	3.00	435.50
07/10/2015	2.00	437.50
07/24/2015	2.50	440.00
07/25/2015	2.00	442.00
09/30/2015	8.00	450.00
11/14/2015	8.00	458.00
11/15/2015	8.00	466.00
12/09/2015	8.00	474.00
12/13/2015	2.00	476.00
12/16/2015	4.00	480.00
01/27/2016	8.00	488.00
01/28/2016	8.00	496.00
01/29/2016	8.00	504.00
01/30/2016	8.00	512.00
01/31/2016	8.00	520.00

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## Training Notes:

### FML Balance Report

The FML Balance report is accessed by the Employee through the Portal. If there is a discrepancy between what the Employee believes to be the amount of entitlement available and the amount shown in the report, ensure the employee has read and understands that this report is based on **approved** FML absences within the past 12 months.

A separate report available to FML Liaisons accounts for future FML time on the timesheet. That report will be discussed on upcoming slides.

The columns of the report are described below:

- **Date** – This field displays the date that the FML Balance will be restored to the Employee. This is based on any FML leave taken over the past year.
- **# of FML Hours Restored** – The total of the number of hours restored to the employee based on the amount taken one year before the FML absence occurred.
- **FML Balance** – The total number of hours available to the employee based upon their balance and the number of hours restored.

## Learning Activity: Demo 2.3



**Transaction:** FML Balance Report

**Transaction:** ZH61 – FML Leave Balance

**Scenario:** Robert Baby needs to check his own FML balance.

- What is Robert Baby's FML Balance?
- Does he have enough FML entitlement?

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**TAB 09** – FML Balance Report (Portal View)

**TAB 10** – ZH61 FML Balance Report

- The FML leave balance report is used by the Employee to view the amount of FML Leave available to them over the 12 month period
- Employees access the report through SAP portal and/or ZH61

**Training Notes:**

## Learning Activity: Exercise 2.4



**Transaction:** FML Balance Report

**Transaction:**

- ZH61 – FML Balance Report
- SAP Portal

**Scenario:** You will be checking your own FML Balance Report using both ZH61 and the SAP Portal

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**TAB 09** – FML Balance Report (Portal View)

**TAB 10** – ZH61 FML Balance Report

Now it's your turn to display the FML Balance Report.

- The FML leave balance report is used by the Employee to view the amount of FML Leave available to them over the 12 month period
- Employees access the report through SAP portal and/or ZH61
- Portal - <http://sapprdep.dot.state.co.us:50000/irj/portal/>

**Training Notes:**

# FML Forecast Report

Family Medical Leave Forecast report:

- Provides FML Liaisons with an employee's current FML entitlement balance
- Provides future dates for when an employee will earn back FML entitlement
- The output of the report includes a future usage column in addition to the same columns as the FML Balance report
- Can only be run for Permanent Full-time Employees
  - Part-time Employees will receive a disclaimer on the Employee Leave Balance Report

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**Training Notes:**

## FML Forecast Report

Available only in SAP using t-code ZH62

The FML Forecast report requires the personnel number of the employee and the date in which you are running the report. When you run the report be careful in your selection of the date.

## FML Forecast Report

The screenshot shows the SAP 'Family Medical Leave Forecast' selection screen. It includes a 'Selection Criteria' section with two input fields: 'PERNR' containing the value '1172' and 'Run Date' containing the value '04/07/2015'. The date field has a small calendar icon to its right. Above the input fields is a blue header bar with the text 'Family Medical Leave Forecast' and a search icon. At the top of the screen, there is a standard SAP toolbar with various icons for navigation and actions.

The FML Forecast Report requires:

- Employee PERNR
- Date used for the calculation
- Must be Permanent, full time employee

### Training Notes:

- The screenshot above is the initial screen of transaction ZH62.
- **Note** the title of the report is in the report header

# FML Forecast Report

**Family Medical Leave Forecast**

Report Date: 05/04/2015  
Employee Name: Last:1276, First:1276 (00001276)  
Timekeeper: Carmen Schrimpscher  
Organizational Unit: Denver Metro Mtc-Bridge Crew A  
Personnel Subarea: Mant. Support (1400)

The "# of FML hours restored" value is determined by the number of approved FML hours used in the prior twelve months. The report does not consider any past FML absences that are in an in process or released status on the timesheet.

The "# of FML hours used" column reports any future FML absences entered on the timesheet. All FML absences that are in an in process, released or approved status as of the selected start date are included.

Date	# of FML Hours Restored	# of FML Hours Used	FML Balance
05/15/2015	0.00	0.00	432.00
11/20/2015	8.00	0.00	440.00
11/21/2015	8.00	0.00	448.00

The FML Forecast report:

- Does not include any past FML absences that are in process or released in the **# of FML Hours Restored** column
- **# of FML Hours Used** column reports on any future FML absences including in process, released or approved status

## Training Notes:

### TAB 11 – ZH62 FML Forecast Report

#### FML Forecast Report Continued

The output is very similar to the Employee Leave Balance Report, but it allows the FML Liaison to forecast FML leave entitlement that will become available in the future

## Comparison of FML Forecast and FML Balance Report

ZH61

ZH62

**Family Medical Leave Balance**

Report Date: 04/07/2015  
Employee Name: Last1172, First1172 (00001172)

Today's balance of FML job protection is based on the amount of FML used.  
This report satisfies §825.300(c)(1)(v)(4) of the FMLA requiring not

Date	# of FML Hours Restored	FML Balance
4/07/2015	0.00	431.50
7/02/2015	1.00	432.50
7/09/2015	3.00	435.50
7/10/2015	2.00	437.50
7/24/2015	2.50	440.00
7/25/2015	2.00	442.00
9/30/2015	8.00	450.00
1/14/2015	8.00	458.00
1/15/2015	8.00	466.00
2/09/2015	8.00	474.00
2/13/2015	2.00	476.00
2/16/2015	4.00	480.00
1/27/2016	8.00	488.00
1/28/2016	8.00	496.00
1/29/2016	8.00	504.00

**Family Medical Leave Forecast**

Report Date: 05/04/2015  
Employee Name: Last1276, First1276 (00001276)  
Timekeeper: Carmen Schrymscher  
Organizational Unit: Driver Metro RTD-@1604 Crew A  
Personnel Subarea: Maint. Support (1400)

The "# of FML hours restored" value is determined by the number of approved FML hours any past FML absences that are in an in process or released status on the timesheet.  
The "# of FML hours used" column reports any future FML absences entered on the timesheet approved status as of the selected start date are included.

Date	# of FML Hours Restored	# of FML Hours Used	FML Balance
05/15/2015	8.00	0.00	432.00
11/20/2015	8.00	0.00	440.00
11/21/2015	8.00	0.00	448.00
11/24/2015	8.00	0.00	456.00
11/25/2015	8.00	0.00	464.00
11/26/2015	8.00	0.00	472.00
11/28/2015	8.00	0.00	480.00
12/01/2015	8.00	0.00	488.00
12/02/2015	8.00	0.00	496.00
12/03/2015	8.00	0.00	504.00
12/04/2015	8.00	0.00	512.00
12/05/2015	8.00	0.00	520.00

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### Training Notes:

### Comparison of the FML Forecast and FML Balance Report

FML Forecast report is like the Employee FML Balance Report tool except:

- Can enter alternative date as start date to calculate FML balance
- Able to look up FML balances for employees for whom you have access to create FML workbenches
- Includes "# of FML hours used" column which displays any future FML absences entered on the timesheet in an in process, released, or approved status
- Takes into account future FML time



## Learning Activity: Exercise 2.5



**Transaction:** ZH62 – FML Forecast Report

**Scenario:** Robert's baby is due on **May 22nd**. You need to review the FML Forecast report to determine the total FML entitlement available for Robert Baby.

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**Training Notes:**

**TAB 11** – ZH62 FML Forecast Report

## Check Your Knowledge

1. What is the FML entitlement for a full-time Employee?
2. What transaction is used to display the total FML Leave available to the Employee?



### Training Notes:

#### Question 1:

What is the FML entitlement for a full-time Employee?

#### Answer:

- 520 in a 12 month period

#### Question :

What transaction is used to display the total FML Leave available to the Employee?

#### Answer:

- ZH62 - FML Forecast report

# Section 3



## Qualifying Circumstances

*The Department's Manual for FML Process and Procedures*

# Course Agenda



Introduction

Section 1 – Roles and Responsibilities

Section 2 – FML Entitlement and Eligibility

**Section 3 – Qualifying Circumstances**

Section 4 – Certification

Section 5 – Certification Evaluation

Section 6 – FML Designation

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## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation form and the responsibility of the FML Liaison in the designation process

## Section 3 - Learning Objectives

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*At the end of this section, you should be able to:*

- Describe the qualifying circumstances that trigger the FML process
- Identify qualifying individuals
- Identify qualifying reasons for leave
- Describe the actions the FML Liaison needs to take when communicating with/interviewing the Employee

### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

## FML Initiation Triggers



- Requests for leave for a foreseeable personal health reason
- Requests extended leave to care for a qualifying family member with a serious health condition
- Sick more than 3 full consecutive work days
- Workers' Comp first report of injury or claim number memo
- Military Deployment
- Military family member illness /injury



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### Training Notes:

#### TAB 12 – Claim Number Memo

##### Triggers that Initiate FML Program

- Employee requests leave regarding foreseeable personal health circumstance (planned surgery, pregnancy, etc.)
  - Must provide at least **30 DAY'S** notice before the leave is to begin
  - If 30 days is not practicable must be given as soon as possible
- In an emergency, employees should provide notice either the same day or the next business day
- In all cases must take into account all individual facts and circumstances
- Employees are required to comply with the usual and customary notice and procedural requirements for requesting leave
- Failure to comply could result in the delay or denial of leave
- *Employee reports in sick more than three full consecutive workdays*
- FML Liaison is notified with a letter from Risk Management that an employee has made a work comp claim. An example of the Claim Number Memo is listed in the tab above.
- Employee submits a Workers' Compensation Incident Report; is treated by a Workers' Compensation practitioner (Authorized Treating Provider); and the work status report from the ATP indicates at least one of the following:
  - An extended period of absence
  - Work restrictions that cannot presently be accommodated
  - A regimen of continuing treatment
- Employee requests leave for a qualifying FML event such as active duty family leave or military caregiver leave

# Qualifying Individuals



The following is a list of qualifying individuals:

- Self
- Child
- Parent
- Legal Spouse
- Qualified Military Service Member for Military Caregiver
- Legal Guardian/Ward

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## Training Notes:

### TAB 02 – State Personnel Board Rules Chapter 5

#### Qualifying Individuals

Refer to the sections below for details of a qualifying individual under FML.

#### Child

- Defined as an employee's biological, adopted or foster child, stepchild, legal ward, or a child for whom the employee stood "in loco parentis" (taking on the responsibilities of a parent with someone else's child, as provider of daily care and financial support)
- Per the U.S. Department of Labor: "Under the FMLA, persons who are in loco parentis include those with day-to-day responsibilities to care for or financially support a child. The fact that a child has a biological parent in the home, or has both a mother and a father, does not prevent an employee from standing in loco parentis to that child. The FMLA does not restrict the number of parents a child may have. The employer's right to documentation of family relationship is the same for an individual who asserts an in loco parentis relationship as it is for a biological, adoptive, foster or step parent. Such documentation may take the form of a simple statement asserting the relationship."
- Does include children of same gender partner
- For health-related FML, child is under 18 or medically disabled at the time leave would commence [ADAAA]
- For Military Active Duty family Leave or Military Caregiver Leave, child is of any age

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**Parent**

- Defined as an employee’s biological, adoptive, step or foster father or mother
- An individual who stood “in loco parentis” to the employee
- Does NOT include “parents-in-law”

**Spouse**

- Legally married anywhere regardless of gender
- Common law marriage is a legal marriage in Colorado. It is the same as ceremonial or civil marriage and can only be ended by death or divorce.
- A simple statement that common law marriage exists is sufficient. Documentation is not necessary, just as it is not necessary for a traditional marriage.
- An unmarried father does not have FMLA protection during the prenatal period for his child, however he can use regular sick leave to care for the mother of his child.
- Any father is eligible for FML bonding leave with his child AFTER delivery
- Colorado’s Family Care Act extends job protected leave to employees to care for their civil union partner or registered domestic partner
- A simple statement that the relationship exists is sufficient
- Tracking Family Care Act Leave concurrently with FML is complex. Contact the FML Program Manager.
- Does NOT include unregistered domestic partners, fiancé/fiancée, and boyfriend/girlfriend

**Qualified Military Service Member for Military Caregiver**

- “Next of Kin” for Military Family Caregiver Leave: If military member has not already legally designated a next of kin, then the nearest blood relative (other than spouse, parent or child) in the following order:
- Court decreed blood relatives granted legal custody
- Siblings
- Grandparents
- Aunts & Uncles
- First Cousins

**Legal Guardian/Ward**

- No other family relationship is allowed unless under court ordered guardianship or conservatorship.
- Use of regular sick leave may be applicable to others under SPB Rule 5-5.

**Training Notes:**



## Qualifying Conditions

The following are qualifying reasons for leave:

- Serious Health Condition
- Care of a Family Member
- Addition of a Child
- Active Duty Family Leave
- Family Military Caregiver Leave



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### Training Notes:

#### **Qualifying Conditions**

Refer to the sections below for details of qualifying conditions under FML.

#### **Serious Health Condition / Care of a Family Member**

- Injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider
- Incapacity-inability to perform ESSENTIAL JOB FUNCTIONS due to the serious illness or injury for more than 3 full consecutive workdays
- Serious health condition of the immediate family member can relate to either physical care or psychological comfort

#### **Addition of a Child and Care for a Newborn**

- Leave for addition of a child must be completed within 12 months of birth or placement or adoption
- Pregnancy coverage includes pre-natal care, severe morning sickness and delivery. A visit to the health care provider is not necessary for each absence.
- Paternity leave is available to the woman's spouse to assist in prenatal care
- FML Sick Leave is used by both parents during pre-natal care, childbirth, and recovery from childbirth
- After recovery, FML-Annual Leave must be used during the bonding period. FML-Sick Leave is not applicable

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#### **Addition of a Child and Care for a Newborn (continued)**

- BOTH eligible parents are entitled to take the full amount of leave as long as it is concluded within one year of the birth of the baby or placement/adoption of the child
- Pre-placement/adoption absences (site visits, legal meetings, travel to another country etc.) are also covered under FML
- Placement of a child for adoption or foster care
- An employee wanting to add the new dependent under State insurance benefits has only *31 days to add the child in Benefit Solver and provide the required documentation*

#### **Active Duty Family Leave (Non-Medical)**

FML qualifying event directly related to the military deployment of employee's parent, child, spouse, or legal guardian. Active Duty Family Leave combines with all other types of FML. The combined total cannot exceed 13 weeks (520 hours).

Employees may take leave while their spouse, child, parent or legal guardian is serving or called to serve in foreign country for one or more of the following *non-medical* reasons:

- Short-notice deployment
- Military events and related activities
- Rest and recuperation (up to 15 days based on R&R orders)
- Emergency childcare arrangements
- School activities
- Financial and legal arrangements
- Counseling
- Post-deployment
- Additional activities mutually agreed upon by the employee and the appointing authority
- Certain activities related to the care for a service member with a serious illness incurred or aggravated in the line of duty while deployed in a foreign country

#### **Military Caregiver Leave (Medical)**

To care for a service member with a serious illness or injury incurred or aggravated in the line of duty while deployed to a foreign country. *This is a special entitlement separate from the traditional FMLA entitlement*

- Allows 26 weeks (1040 hours) of unpaid, job protected leave during *a twelve month period measured forward* from the date the military caregiver leave begins
- Can overlap with traditional FMLA leave. If during that single twelve month block of time allowed for Military Caregiver Leave it is combined with traditional FMLA leave, the total cannot exceed 26 weeks
- If eligible employee does not take ALL of the 26 week Military Caregiver Leave entitlement during the single twelve month period, the remainder of the entitlement is forfeited
- Employees may take leave to care for a spouse, child, parent or "next of kin" who is a current member of the armed forces that sustained a serious injury or illness incurred in the line of duty in a foreign country and is undergoing medical treatment, recuperation, or in outpatient status
- Care for a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred while on active duty in a foreign country and who was a member of the armed forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date of treatment

#### **Training Notes:**

## Group Exercise 3.1

**Scenario:** Determine which of the following events qualify for job protection under FML (True does qualify False does not qualify)



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### Training Notes:

Use the Scenario to answer the following statements:

1. Care of an employee's sister during recovery from childbirth
2. Disc replacement surgery due to an employee's injury on the job
3. Illness of child from employee's first marriage who no longer lives with the employee
4. Adoption of a child by an employee and her same gender domestic partner
5. Inpatient rehabilitation for alcohol addiction
6. Employee's wife is called to National Guard training in Texas
7. Psychological comfort for employee's severely depressed father following the death of his wife
8. Time for employee to attend funeral and deal with the estate of his parent
9. Student-teacher conferences for employee's children under age eighteen
10. Employee with six months of full time state service and previously three months of temporary service

# Communicating to the Employee

Communication with the employee is required by the FML Liaison:

- Within **5 WORKING DAYS** after initial notification
- To determine if a qualifying event meets the criteria of FML
- To ensure the FML is initiated based on information received from the employee or the representative
- To explain/send FML rights from the FML Poster
- To determine the details of the event



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## Training Notes:

**TAB 13** – Email Confidentiality Disclaimer

**TAB 03** – Employee Rights and Responsibilities Under the Family Medical Leave Act (The Poster)

**TAB 14** – Questions to Ask or Not to Ask

### Communicating with the Employee

The FML Liaison is required to communicate with the employee within 5 WORKING DAYS after CDOT's initial notification of need for FML.

Additional information is needed from the employee to determine if a qualifying event meets the criteria of FML as outlined later in this course.

The FML process may **ONLY** be initiated based on information received from the employee or the employee's representative—**NEVER** on hearsay or assumption. FML requests initiated by the supervisor must be verified by the employee or the employee's representative.

### Ways to Communicate with Employee

The following are effective ways to communicate with employees about FML questions:

- In person (recommended)
- Phone
- Email (requires confidentiality disclaimer) Example of a Confidentiality Disclaimer is located in **TAB 13**.
- If the employee is unavailable, a personal representative may represent the employee. Typically a spouse, parent, child, next of kin, or legal representative will act as a personal representative for the purposes of FML.

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- Postal mail (certified and regular)
  - To locate an employee address: See PA20 – Display HR Master Data Work Instruction on the internal website – Navigate to: *SAP Training Website* → [Human Resources](#) → *Personal Administration* → *Reporting* → [PA20 - Display HR Master Data](#)

It is essential to explain to the employee or employee’s personal representative the employee’s rights and to gather the following information during initial contact with the employee or their personal representative:

- The FML Liaison must provide the “Employee rights and responsibilities under the family and medical leave act” document. (aka “the poster”) located in **TAB 03**.
  - Review Federal rights including entitlements and duration
  - English and Spanish versions are located on the State of Colorado’s website: <https://www.colorado.gov/pacific/dhr/dhrforms>
- Duration of the leave being requested
- Reason for leave request (who, what when, where, why)
- Request begin date and end date of desired leave
- Identify first and second level supervisor contacts (Use SAP transaction ZH45 if employee is unable to provide this information)
- Exchange contact information between the FML Liaison and employee
- NOTE: A helpful resource to assist in interviewing the employee can be found in “Questions to Ask/Not to Ask” located in the FML Manual **TAB 14**.

### Training Notes:

## Learning Activity: Demo 3.2



**Transaction:** PA20 – Address Look-up

**Scenario:** Use PA20 to look-up both the permanent and mailing address for an employee.

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### Training Notes:

#### TAB 07 – PA20 Display HR Mater Data (IT0006) Address

- See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: SAP Online Learning and Training → [Human Resources](#) → Personnel Administration → Reporting → [PA20 - Display HR Master Data](#)

## Learning Activity: Demo 3.3



**Transaction:** PA20 – Verify Supervisor

**Scenario:** You need to determine who Robert's supervisor is. Use Two Levels Chief report (ZH45) to identify his supervisor.

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### Training Notes:

#### TAB 07 – PA20 Display HR Mater Data

Starting from SAP perform the following:

1. Navigate to ZH45
2. Execute Report
3. Highlight PERNR column
4. Press Ctrl + F
5. Enter PERNR for employee
6. Click green check mark
7. Scroll across to view 1<sup>st</sup> and 2<sup>nd</sup> level supervisor

## FML Forms



All FML forms can be found on the FML Liaison website at:

<http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

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### Training Notes:

#### FML Forms Location

- All of the documentation including this manual are housed on the FML forms SharePoint site listed on the above slide
- It is always best to download all forms from the SharePoint site to ensure you have the most recent version of the form
- The SharePoint site will be explored in more detail later in the course



## Notice of Eligibility Form

- Used to indicate if an Employee is eligible **OR** ineligible for FMLA within 5 business days of request
  - Ineligible Employees Part A only
  - Eligible both Part A and B
- The FML Liaison and Employee must sign
- Completed Notice is sent to Employee
- Liaison copy must be kept in a confidential file



**TAB 15** - CDOT Notice of Eligibility and Rights and Responsibilities Form

**TAB 13** – Email Confidentiality Disclaimer

**TAB 16** - Short Term Disability Letter

### **CDOT Notice Of Eligibility And Rights And Responsibilities**

- This document formally notifies the employee if they meet the preliminary criteria of FML job protection
- This form must be completed and provided to the employee within 5 BUSINESS DAYS of the initial trigger
- Part A of the form is used by CDOT to provide the employee written notice of eligibility or non-eligibility (e.g. lacks one year of employment) within 5 BUSINESS DAYS of learning of the need for leave which may qualify as FMLA leave
- Part B of the form addresses “Employee Rights and Responsibilities” under the FMLA and details requirements concerning medical certification, use of paid leave, and critical deadlines

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### Training Notes:

**Continued from previous page**

- If any information concerning the FML situation (except leave balances) contained on the Notice of Eligibility/Rights and Responsibilities changes during leave, the employer must provide a new notice within 5 BUSINESS DAYS

**Delivery Methods**

- In-person: the poster and form should be presented and reviewed when meeting with the employee
- Mail: the poster and form sent both certified/return receipt and regular mail
- Email: Poster and form can be emailed as long as it includes a confidentiality disclaimer statement FML Manual **TAB 03**

If an employee is **ineligible** due to exhaustion of FMLA entitlement or the employee has not met the 12-month length of service requirement:

- Complete part A of the Notice of Eligibility form including the reason the employee is not eligible
- Be sure to include FML Liaison signature on page 1 and the employee signature on page 3

**If an Employee is Eligible:**

- Complete part A and B of the Notice of Eligibility form
- Review the employee responsibilities listed in part B
- Fill-in employee's current leave balances
- Establish check-in expectations for extended leave
- For employees own health condition attach percentage duty statements from PDQ. An electronic copy of the PDQ may be obtained from the supervisor
  - This must be the official signed version.
- Attach any appropriate certification documentation required
- Attach Fitness to Return for continuous leave requests for employee's own health condition
  - If the Fitness to Return is not included initially, then the employee must be allowed FIFTEEN CALENDAR DAYS to provide it when later requested
- Be sure to include FML Liaison signature on page 1 and the employee signature on page 3

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**Training Notes:**

**Continued from previous page**

**Also issue the Short Term Disability (STD) information letter**

- <http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

To be eligible for the job protection of STD leave, employees must have one year of state service and an application must be submitted within THIRTY DAYS of the beginning of the absence or at least THIRTY DAYS prior to the exhaustion of all accrued sick leave.

Once Notice of Eligibility is issued, establish CONFIDENTIAL FML employee file that contains copies of ALL documentation related to the FML request and leave.

- File should be kept separate from any other employee file
- File accessibility is limited to the FML Liaison, the employee, and the FML Program Manager
- Secured (locked filing cabinet)
- Files must be kept for three years after completion of leave for the condition or event. After three years, the files must be shredded and destroyed
- When an employee is in litigation with the CDOT, the file may never be destroyed

**Training Notes:**

# Check Employee Leave Balances



PA20 is used to look up absence quotas:

- Absences (IT2001) - Displays the history of all approved absences
- Absence Quotas (IT2006) - Displays the amount of leave time and the amount of approved leave time deducted from the quota

Employee Leave Summary Report (ZH49T) is used to look up absences on multiple employees

## Training Notes:

### TAB 07 – PA20 Display HR Master Data

#### Check Employee Leave Balances

See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: [SAP Online Learning and Training Human Resources Personnel Administration Reporting PA20 - Display HR Master Data](#)

- Use PA20 to look up absences and absence quotas (Time Management tab)
- Absences (IT2001) - Overview displays the history of all approved absences for this employee in the time period shown, in descending order, and includes the absence (A/A) type
- Absence Quotas (IT2006) - Includes the amount of leave time for the employee and the number of approved leave time deducted from the quota

## Learning Activity: Demo 3.4



**Transaction:** PA20 – Display Absences (IT2001) and Absence Quotas (IT2006)

**Scenario:** To complete the Notice of Eligibility, we need to determine Robert’s leave balances. We will use PA20 to research Robert’s absences and absence quotas.

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### Training Notes:

#### TAB 07 – PA20 Display HR Master Data (IT2001)

- See PA20 – Display HR Master Data Work Instruction on the SAP training website – Navigate to: SAP Online Learning and Training → [Human Resources](#) → Personnel Administration → Reporting → [PA20 - Display HR Master Data](#)

## Learning Activity: Demo 3.5



**Transaction:** ZH49T Employee Leave Summary Report

**Scenario:** You would like to look up the leave balances for multiple employees. Rather than looking each one up individually, we will use ZH49T to view the employee leave summary report for multiple employees.

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### Training Notes:

#### TAB 17 – ZH49T Employee Leave Summary Report

- This report is run when you need to look up the leave balances for more than one employee.

## Learning Activity: Exercise 3.6



**Scenario:** Robert has notified CDOT of the leave request on **April 25th**. The baby is due on **May 22<sup>nd</sup>** and Robert is requesting continuous leave for six weeks. You have a meeting on **April 28<sup>th</sup>** to review the Notice of Eligibility and Rights and Responsibilities with the employee.

1. Complete the Notice of Eligibility and Rights and Responsibilities form for Robert's FML request.

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### Training Notes:

#### TAB 15 – CDOT Notice of Eligibility and Rights and Responsibilities Form

Based on the information found in the previous exercise, complete the Notice of Eligibility and Rights and Responsibilities form for Robert's FML request.

- There are two copies of the of the Notice of Eligibility and Rights and Responsibilities form. Use one for the exercise and retain one as a sample of the form.

# Alternatives for Ineligibility

## Alternatives to FML include:

- Regular sick leave
- Short term disability
- Long term disability
- ADA evaluation and possible accommodation
- Leave Grant

## Training Notes:

### TAB 16 - Short Term Disability Letter

#### Alternatives to Ineligibility

- Regular Sick Leave
- State Paid Short Term Disability information on this can be found at:
- <http://intranet.dot.state.co.us/employees/time-and-leave/short-term-disability?searchterm=short+term+disability>

See the Short Term Disability Information Letter and additional program information located in the FML Manual

- Additional information is also located on the DPA website on disability: <https://www.colorado.gov/pacific/dhr/search/site/disability>
- PERA Short Term Disability and Disability Retirement Information can be found at <https://www.copera.org/PDF/5/5-12.pdf>
- ADA Evaluation and Possible Accommodation Information can be obtained from the ADA Coordinator at HQ, or from the Regional Civil Rights Manager. CDOT Procedural Directive 602.1 “ADA Accommodation Procedures” contains additional information:
  - <http://intranet/resources/policy-procedure/documents/0602.1/view>
- Information on Leave Grant can be found in CDOT Procedural Directive 1204.1: <http://intranet/resources/policy-procedure/documents/1204-1>
- The form for requesting Leave Grant is “Leave Grant Request form (CDOT form #963)
  - <http://intranet/resources/CDOT-forms/documents/cdot-0963.pdf>
- For Leave Grant requests involving a medical condition, the FML Liaison will need to supply the employee a “statement of medical facts” to attach to the application.



## Check Your Knowledge

1. What form is used to determine if an Employee is eligible or ineligible for FML leave?
2. Upon receiving notification an Employee may need FML leave, how many days do you have to respond?



### Training Notes:

#### Question 1:

What form is used to determine if an Employee is eligible or ineligible for FML leave?

#### Answer:

- The Notice of Eligibility Form

#### Question 2:

Upon receiving notification an Employee may take FML leave, how many days do you have to respond?

#### Answer:

- You have five working days from the date CDOT received notification

# Section 4



## Certification

*The Department's Manual for FML Process and Procedures*

# Course Agenda



## Introduction

Section 1 – Roles and Responsibilities

Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

## Section 4 – Certification

Section 5 – Certification Evaluation

Section 6 – FML Designation

## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation Notice and the responsibility of the FML Liaison in the designation process

## Section 4 - Learning Objectives

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*At the end of this section, you should be able to:*

Describe the documents and forms needed for certification

Understand form requirements and timelines

Explain additional opinions

Describe the recertification process

### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

## Certification Forms



- Once it has been determined an event is an FML qualifying condition, Documentation is always required in order to authenticate the use of FML

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### Training Notes:

**TAB 18** – Certification of Health Care Providers for Employee's Serious Health Condition (FMLA)

**TAB 19** – Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA)

#### About Certification Forms

When issuing the previously discussed "Notice of Eligibility and Rights and Responsibilities," also issue the appropriate certification forms located on the Department of Personnel & Administration (DPA) website:

- <https://www.colorado.gov/pacific/dhr/dhrforms>

Liaisons can find all form on their Liaison SharePoint site:

- <http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

Per SPB Rule5-5B, a SOC Medical Certification Form Employee's Health Condition is required for any absence longer than three days.

Non-FML qualifying sick leave in excess of three consecutive work days (for either employee or family member) can now be authenticated by using the State of Colorado Medical Leave Form.

SOC Medical Certification Form Employee's Health Condition (includes request for Maternity leave)

- FML Liaison must complete Employee information on page 1 and attach job duties from the PDQ
- Employee ID is the 4-digit SAP Personnel Number (PERNR)
- FML Liaison should advise employee that all questions on the form must be completed by the health care provider.
- *N/A should be used by the provider for all questions that do not apply. Blank responses will not be accepted.*

# Certification Forms

Once an event is qualifying, the following forms are used to authenticate FML use:

- SOC Medical Certification Form for Employee's Health Condition
- SOC Medical Certification Form for Family Member's Health Condition
- SOC Certification of Qualifying Exigency for Military Family Leave
- SOC Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

## Training Notes:

**Tab 23** - SOC Medical Leave Form

**Tab 19** - SOC Medical Certification Form Family Member's Health Condition  
(Includes request for paternity leave)

**Tab 20** - SOC Certification of Qualifying Exigency for Military Family Leave Form

**Tab 22** - SOC Certification for Serious Injury or illness of a Veteran for Military Caregiver Leave

### **SOC Medical Leave Form for Employee's Health Condition**

- FML Liaison must complete Employee information on (page 1) and attach job duties from the PDQ
- Employee ID is the 4-digit SAP Personnel Number (PERNR)
- FML Liaison should advise employee that all questions on the form must be completed by the health care provider
- N/A should be used for all questions that do not apply. Blank responses will not be accepted.
- Commonly missed items include:
  - Question 1 under "Serious Health Condition," to categorize the condition.
  - Question 1 and 2 under "Additional Medical Facts," to indicate condition begin and end date
  - Health Care Provider signature (page 5)
- Employee must sign form to release information (page 1)

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**SOC Medical Certification Form Family Member's Health Condition**

- (Includes request for paternity leave)
- FML Liaison must complete Employee name and ID (page 1)
- Employee ID is the 4-digit SAP Personnel Number (PERNR)
- Employee provides information for family member and signs form (page 1)
- EMPLOYEE DESCRIBES CARE TO BE GIVEN TO FAMILY MEMBER
- FML Liaison should advise employee that the family member's health care provider must complete all questions on the form.
- Commonly missed items include:
- Question 1 under "Serious Health Condition," to categorize the condition.
- Question 1 and 2 under "Additional Medical Facts," to indicate condition begin and end date
- Health Care Provider signature (page 5)

**SOC Certification of Qualifying Exigency for Military Family Leave Form**

- FML Liaison should advise the employee to complete the entire form
- Requires employee signature
- Requires a copy of military member's active duty orders
  - If previously provided, FML Liaison is responsible for obtaining a copy for the FML file

**SOC Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave Form**

**NOTE:** The Form is not required if Invitational Travel Orders (ITO) or Invitational Travel Authorizations (ITA) provided

- FML Liaison should advise the employee to complete page 3 and Health Care provider completes pages 4 and 5
- May be accepted from any one of the following health care providers:
- Department of Defense health care provider
- United States Department of Veterans Affairs health care provider
- DOD TRICARE network
- DOD non-network TRICARE
- Any health care provider approved in Section 825.125

**Training Notes:**

# Substitutions



- Work Status Report
- DOLE forms
- ITOs (Invitational Travel Orders)
- ITAs (Invitational Travel Authorizations)
- VA Family Caregiver Program

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## Training Notes:

**TAB 24** - WC164 Physicians Report of Injury Form (Work Status Report)

**TAB 25** – WH-380-E Form

**TAB 26** – WH-380-F Form

### Work Status Reports

In Workers' Compensation cases, DPA allows substitution of the Work Status Report from the Authorized Treating Physician (ATP) instead of the medical certification as long as **it covers the questions asked on the certification form and provides all the restriction information.**

### The Work Status Report must include:

- Diagnosis
- Employee ability to work
- Limitations/restrictions
- Follow-up care required
- Physician signature
- **\*\*For RETURN to WORK in WC cases, the authorization must be given by the primary WC physician, not by a specialist or surgeon the employee has consulted.**

### DOLE Forms

For employee and family member health conditions it is permissible to accept the US Dept. of Labor forms WH 380E and WH 380F in lieu of the State of Colorado forms.

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**ITOs, ITAs and Caregivers**

For Military Family Caregiver Leave, the following document **MUST** be accepted as sufficient in lieu of certification document

- ITOs (Invitational Travel Orders)
- ITAs (Invitational Travel Authorizations)
- As issued by the DOD to any family member to join an injured or ill service member at their bedside
- Employee’s proof of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers

**Items not to be Accepted as Substitutions**

The following documents are **NOT ACCEPTABLE** as substitutions for the FML medical certificate due to insufficient information required by the U.S. Department of Labor and the State of Colorado:

- Notes on a prescription pad

**Memos From The Provider or SOC Medical Leave Form**

- May be used to authenticate non-FML qualifying medical absences up to forty scheduled work hours
- Usable for either employee or employee’s family member

**Training Notes:**

## Form Requirements

- ✓ Timeline and extensions
- ✓ Checking for completeness
- ✓ Requesting additional information



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### Training Notes:

#### **TAB 27 – CDOT FML Designation Notice Form**

##### **Timelines and Extensions**

- Allow 15 CALENDAR DAYS for employee to furnish complete and sufficient certification form
- If not received within the time limit, use “CDOT FML Designation Notice” to advise and allow an additional 7 CALENDAR DAYS for employee to furnish certification form.

##### **Checking for Completeness**

- Once the certification is submitted by the employee evaluate for completeness and eligibility within 5 WORKING DAYS:
- If certificate is complete, additional information cannot be requested
- If the Certificate is incomplete, an employee has 7 CALENDAR DAYS to provide the missing information once notified
- Use “CDOT FML Designation Notice” to state in writing what is deficient with the certification and what additional information is required

##### **A Certificate is Incomplete if:**

- One or more applicable entries is not completed
- Information provided is vague, ambiguous, or non-responsive

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- If medical certification is in a language other than English, the employee must provide a written translation of the certification upon request at their own cost
- If the employee never produces the certification, the leave will not be protected under FMLA
- Per Chapter 5 of State Personnel Rules: “Failure to provide the certificate shall result in denial of leave and possible corrective/disciplinary action.”
- Use “CDOT FML Designation Notice” to deny the leave request
- Whenever FML is to be denied, the FML Liaison must first consult with the FML Program Manager

**Requesting Additional Information**

For completed certifications, ONLY the HQ FML Program Manager has the authority to contact the health care provider for authentication and clarification of a certificate. FML Liaisons, supervisors and Appointing Authorities (or designee) CANNOT contact the health care provider. If authentication or clarification is needed, contact the FML Program Manager immediately.

- Authentication: providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed by the authorized health care provider
- Clarification: contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response

**Training Notes:**

# Additional Opinions



If the medical certification is in doubt CDOT is able to:

- Request additional opinions
- Second opinions
- Third opinions

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## Training Notes:

### Additional Opinions

- If there is reason to doubt the validity of the medical certification, CDOT is entitled to seek a second opinion at CDOT's expense.
- Diagnosis and/or treatment is questionable or seems unreasonable
- If any additional opinion is warranted, the FML Liaison should initiate further discussion with the Appointing Authority (or designee) and FML Program Manager before a decision is made
  - Designation Notice is required if seeking a second or third opinion

### Second Opinion

- CDOT can choose the provider, but the provider cannot be employed by the State. CDOT will schedule the appointment
- Pending the second opinion, the employee has provisional FML job protection
- CDOT must provide the employee with a copy of the second opinion within 5 BUSINESS DAYS
  - If an employee or family member is receiving treatment from a Christian Science practitioner, the employee cannot object to examination (though may decline treatment) by a non-Christian Science practitioner in order to obtain a second or third opinion).

### Third Opinion

- If the opinion of the employee's and CDOT's designated health care providers differ, CDOT may require a third opinion at CDOT's expense.
- The employee cannot refuse a third opinion, but the third health care provider must be approved jointly by CDOT and the employee
- The third opinion shall be final and binding
  - Pending the third opinion, the employee has provisional job protection
  - CDOT must provide the employee a copy of the third opinion within 5 BUSINESS DAYS

# Medical Recertification

- When is a recertification required?
- When is a recertification allowed?



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## Training Notes:

### When Medical Recertification is Required:

- There are absences related to the FML condition that are unanticipated as outlined in the documentation provided
- The circumstances and/or condition changes
- The first absence related to the condition in a new twelve-month period
- CDOT is allowed to obtain recertification once the “probable duration of the condition” as indicated on the medical certification has been met or 30 DAYS—whichever is longer
- If the duration of the incapacity has not been specified in the medical certification, CDOT may request recertification every 30 DAYS

### When is Recertification is Allowed:

CDOT may request recertification in less than 30 DAYS if

- Employee requests an extension of leave
- Circumstances described in the previous certification have changed significantly
  - Duration or frequency of absences
  - Severity of illness
  - Complications
  - Information that casts doubt on the stated reason for leave

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- In connection with an absence for an “ongoing chronic condition,” employer may request recertification every six months
- No second or third opinions permitted on recertification unless it is the first certification in a new twelve month period. Recertification in a new twelve month period is actually a reassessment of the qualifying condition and is considered an original certificate, so second and third opinions would be allowed.
- The Notice of Eligibility and Designation process must be completed again as part of the recertification process
- In a new twelve month period, recertification cannot be required simply because an employee MIGHT use leave because of a previous FMLA condition. The process is triggered when an employee is absent due to the previous condition in the new twelve month period.

**Training Notes:**

## Check Your Knowledge

1. What can substitute for the SOC Medical Certification form in a Workers' Comp case?
2. What are the four forms used to authenticate FML use?



### Training Notes:

#### Question 1:

What can substitute for the SOC Medical Certification form in a Workers' Comp case?

#### Answer:

- The Work Status Report

#### Question 2:

What are the four forms used to authenticate FML use?

#### Answer:

- SOC Medical Certification Form Employee's Health Condition
- SOC Medical Certification Form Family Member's Health Condition
- SOC Certification of Qualifying Exigency for Active Duty Family Leave [non-medical]
- SOC Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave (Military Caregiver leave)

# Section 5



## Certification Evaluation

*The Department's Manual for FML Process and Procedures*



# Course Agenda



Introduction

Section 1 – Roles and Responsibilities

Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

Section 4 – Certification

**Section 5 – Certification Evaluation**

Section 6 – FML Designation

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## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation Notice and the responsibility of the FML Liaison in the designation process

## Section 5 - Learning Objectives

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*At the end of this section, you should be able to:*

Review the certification for commonly missed items

Determine authorized healthcare providers

Understand which treatments are allowable

Evaluate military certifications for completeness

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### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# Medical Certification Evaluation

## When reviewing the medical certification

- Review for commonly missed items
- Confirm the health care provider is authorized
- The treatments are allowable



## Training Notes:

### Tab 18 – Certification of Health Care Providers for Employee’s Serious Health Condition

#### Reviewing the Certification for Common Mistakes

- Commonly missed items include:
  - Question 1 under “Serious Health Condition,” to categorize the condition
  - Question 1 and 2 under “Additional Medical Facts,” to indicate condition begin and end date
  - Health Care Provider signature (page 5)
    - Employee must sign form to release information (page 1)
- N/A should be used for all questions that do not apply. Blank responses should not be accepted

#### Authorized Health Care Providers

- Doctor of medicine (MD) or osteopathy (DO) who is authorized to practice medicine or surgery
- Podiatrists (DPM), dentists (DDS/DMD), clinical psychologists (Ph.D. or Psy.D.), optometrists (OD)
- Chiropractors (DC or DCM) - limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray
- Nurse practitioners (CNP), nurse-midwives (CNM), clinical social workers (CSW), physician assistants (PAC)

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- Christian Science Practitioners (CS) – listed with the First Church of Christ, Scientist in Boston, MA
- Any health care provider from the employers group health plan
- Health care provider who practices in a country other than the US, who is authorized to practice in accordance with law
- **Does NOT** include naturopathic practitioners (ND) They are not licensed or regulated

**Allowable Treatments**

- Inpatient care - an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care
- Incapacity - requires in person treatment by a health care provider once within first seven days of incapacity
- Continuing treatment - two or more times within a thirty day period by a health care provider treating the same condition
- Chronic health condition - requires periodic visits to health care provider at least twice a year. (e.g. migraines, asthma, diabetes, epilepsy)
- Permanent, long-term condition - when treatment may not be effective, but the patient is under the supervision of a health care provider for the condition (e.g. Alzheimer's, terminal illness)
- Multiple treatments and recovery for a condition that would likely result in an incapacity if not treated (e.g. radiation, physical therapy, dialysis, chemotherapy)

**Training Notes:**

# Military Certification Evaluation

## Active Duty Family Leave Certification

- Signed by Employee
- Copy of active duty orders

## Kinds of Military Caregiver Providers

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## Training Notes:

### Active Duty Family Leave Certification

- Requires employee signature
- Requires a copy of military member's active duty orders
- If previously provided, FML Liaison is responsible for obtaining a copy for the FML file

### Military Caregiver Leave Certification

- **NOTE:** *This Form is not required if Invitational Travel Orders (ITO) or Invitational Travel Authorizations (ITA) are provided*
- May be accepted from any one of the following health care providers:
- Department of Defense health care provider
- United States Department of Veterans Affairs health care provider
- DOD TRICARE network
- DOD non-network TRICARE
- Any health care provider approved in Section 825.125

## Learning Activity: Exercise 5.1



**Scenario:** On **May 8th**, Robert has submitted the following medical certification for his wife, Cindy Baby.

1. Evaluate the certification and highlight any errors or missing information that exist.
2. Describe the steps necessary to correct any issues found.
3. What additional documentation needs to be completed?

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### Training Notes:

#### HANDOUTS:

1. Medical Certification
2. Calendar
3. CDOT FMLA Designation Notice
4. Revised Medical Certification

## Check Your Knowledge

1. What form is used to request more complete information when an employee presents an incomplete med cert?
2. What's the deadline for the Liaison to request it?
3. What's the deadline for the employee to submit it?



### Training Notes:

#### Question 1:

What form is used to request more complete information when an employee presents an incomplete med cert?

**Answer: CDOT FML Designation Notice**

#### Question 2:

What's the deadline for the Liaison to request it?

**Answer: Within five working days of receipt**

#### Question 3:

What's the deadline for the employee to submit it?

**Answer: Within seven calendar days.**

# Section 6



## FML Designation

*The Department's Manual for FML Process and Procedures*



# Course Agenda



## Introduction

Section 1 – Roles and Responsibilities

Section 2 – FML Entitlement and Eligibility

Section 3 – Qualifying Circumstances

Section 4 – Certification

Section 5 – Certification Evaluation

**Section 6 – FML Designation**

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## Training Notes:

This course is broken out into 12 sections. The introduction and the first six sections are described below:

- **Introduction** – The Introduction provides you with an overview of the course and the training logistics
- **Section One** – Describes the roles and responsibilities of all participants in the FML process
- **Section Two** – Outlines who is eligible for FML leave and how to use SAP to determine if an employee is eligible
- **Section Three** – Explains the circumstances under which an employee is able to qualify for FML leave.
- **Section Four** – Discusses the certification process including forms, substitutions, requirements and actions to take when you need additional opinions
- **Section Five** – Provides details of how to review the certifications for completeness and how to determine which providers and treatments are allowed
- **Section Six** – Identifies the requirements of the FML Designation form and the responsibility of the FML Liaison in the designation process

## Section 6 - Learning Objectives

6

*At the end of this section, you should be able to:*

- Understand the CDOT FML Designation Notice form and requirements
- Understand the FML Liaison responsibilities for CDOT FML Designation Notice form approval
- Communicate post FML Designation responsibilities

### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# CDOT FML Designation Notice

The CDOT FML Designation Notice is used to:



- Indicate FML is not approved and why
- Indicate FML is approved and duration
- Request more information if required
- Extend the deadline for receipt of certification form
- Request a second or third opinion



## Training Notes:

### TAB 27 – CDOT FML Designation Notice Form

#### CDOT FML Designation Notice Overview

The final FML designation is signed by the Appointing Authority (or designee) using the form “CDOT FML Designation Notice” to record the outcome of the FML review process. This form is used to indicate the following:

- FML is NOT approved and why
- FML is approved including the duration of FML allowed and the Fitness to Return requirements
- More information is required to determine leave approval (i.e. insufficient medical certification)
- An extension of the deadline for the receipt of the certification (7 calendar days)
- A second or third opinion is required
- **NOTE:** A new form needs to be completed whenever any of the above applies

# CDOT FML Designation Notice

The CDOT FML Designation Notice:

- Used to approve or deny use of FML
- Used to request additional information
- Must be submitted to the Appointing Authority with a recommendation for action



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## Training Notes:

### TAB 28 - Sample Designation Communication

#### Use of CDOT FML Designation Notice

- Designation is not an option and must be completed each time the employee is requested to provide certification for FML
- Leave request for a properly certified FML condition or event cannot be denied if FML hours remain
- After the Certification is completed and all the supporting documentation is received, the Designation Notice must be issued within 5 BUSINESS DAYS to authorize usage of FML
- No conditional designations are allowed
- Designation notice needed each time a condition is recertified
- If FML usage is denied, must state the reason why it is to be denied.
- Before denial, the FML Liaison must first consult with FML Program Manager in Employee Relations.
- Decision to designate must be based only on information received from the employee, employee's representative and information contained in the certification form
- Retroactive designation allowed, but may not cause harm or injury to employee
  - Must be mutually agreed to by the Employee and CDOT
- Employee cannot waive FMLA rights

# CDOT FML Designation Notice Approval Actions



The FML Liaison is responsible for:

- Recommending a course of action
- Preparing the Designation Notice for Appointing Authority signature
- Issuing the Designation Notice to employee within 5 business days after receiving all required documentation
- Informing Appointing Authorities and Supervisors of FML qualifying events

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## Training Notes:

**TAB 27** – CDOT FML Designation Notice Form

**TAB 28** – Sample FML Designation Communication

### CDOT FML Designation Notice Approval Actions

The FML Liaison is responsible for recommending the course of action and preparing Designation Notice for signature of Appointing Authority (or designee). The FML Liaison is also responsible for:

- Issuing the Designation Notice to employee – within 5 BUSINESS DAYS after receiving all required information and documentation
- Providing information to Appointing Authorities and supervisory chain only in regards to the FML qualifying event as disclosed by the employee
  - Supervisory chain must be informed of relevant information including anticipated duration of absence and/or need for intermittent leave usage, reduced work schedule and/or work restrictions to accommodate the approved FML usage
  - Information regarding diagnosis, treatment, medical history, and other details found on the medical certification shall not be disclosed.
- See sample CDOT FML Designation Communication

## Learning Activity: Exercise 6.1



**Scenario:** In response to the request for additional information, Robert has now submitted a sufficient Medical Certification form on **May 11th**. The certification form indicates that Robert will be on paternity leave for 6 weeks once the baby is born. The due date is **May 22<sup>nd</sup>**.

1. Prepare the designation form based on the information provided in Medical Certification for the Appointing Authority (or designee) to review and sign.

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### Training Notes:

**Handout** - Blank Copy of CDOT FML Designation Notice

**Handout** - Revised med cert

- Review the details of the slide above and use the blank copy of the CDOT FML Designation Notice to complete the exercise

## Post CDOT FML Designation Notice Actions



After the FML Designation Notice has been submitted, monitor and manage:

- Employee's FML Usage
- Timesheet and Payroll deadlines
- Workers' Comp occurrences and approvals (as applicable)
- Low Balance and Exhaustion
- Recertification and Fitness to Return
- Communication



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### Training Notes:

#### Post CDOT FML Designation Notice Actions

The following are the actions to take after the CDOT FML Designation Notice has been submitted.

- If FML designated, establish qualifying event in PTFMLA Workbench in SAP
- Establish new PTFMLA Workbench in new twelve month period
- If employee is on continuous leave or unavailable, enter FML usage on timesheet
- Monitor employee's timesheet for approval of FML absences to ensure accuracy of FML Balance reports
- Monitor appropriate usage of FML A/A types on the timesheet
  - Monitor for appropriate usage of regular FML vs. Military Family Caregiver Leave on the timesheet
- If the employee is using LWOP, notify Payroll by the 15th of the month so Payroll adjustments can be made
- Utilize approval letters from Risk Management to monitor concurrence of Injury Leave and FML and ensure all injury leave is accurately reflected on the timesheet. This includes revision of timesheet once Risk approves the first 24 hours of lost time as FML injury leave (See Section 9)
- Utilize STD approval emails from Benefits Administrator as authorization to code FML LWOP once FML sick leave is exhausted. *Once STD benefits begin, use of accrued annual leave is not required before coding LWOP.*

**Continued on next page**

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- Receive Fitness to Return certification (or Work Status Report from ATP for a Workers' Comp case)
  - Evaluate
  - Notify all concerned parties
- Advise employee and supervisor of low FML balance
  - See Section 10 for discussion of monthly low balance reports
- Inform supervisory chain, appointing authority and Civil Rights Manager/ADA Coordinator of employee's FML status
  - Work restrictions
  - Exhaustion of leave protections
- Cooperate with Civil rights Manager/ ADA Coordinator to share pertinent medical information
- Consult with Employee Relations on status of STD protection and advise employee and Appointing Authority (or designee) of exhaustion

**Training Notes:**



## Check Your Knowledge

1. Who signs the FML Designation Notice?



### Training Notes:

**Question 1:**

Who signs the FML Designation Notice?

**Answer:**

- The Appointing Authority or Designee

# Section 7



## FML Workbench

*The Department's Manual for FML Process and Procedures*

## Course Agenda



### Section 7 – FML Workbench

Section 8 – Leave and Timesheet

Section 9 – FML and Workers' Comp

Section 10 – Monitoring FML

Section 11 – Completing the Process

Section 12 – Case Study

Conclusion

### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how to create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers' Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Section 7 - Learning Objectives

7

*At the end of this section, you should be able to:*

- Describe the FML Workbench and its purpose and benefits
- Identify the connection between the FML Workbench and the Employee Timesheet
- Create and edit a FML Workbench

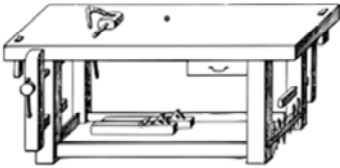
### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# FML Workbench

- What is the FML Workbench
- Purpose and benefits of the FML Workbench
- How CAT2 and the FML Workbench are integrated



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## Training Notes:

### What is the FML Workbench

- SAP functionality used to track employee FML events
- A workbench is created for each approved FML event
- An employee may have multiple active workbenches at the same time

### Purpose and Benefits of the Workbench

- When workbench established, FML absence/attendance types can be coded on timesheet
- Specifies the start and end date when FML A/A types can be used
- Records FML history
- Data integrity. Employee Relations uses the workbench for Federal reporting of FML usage and investigating for legal purposes

### CAT2 and the Workbench

- The employee timesheet (CAT2) tracks when the employee is absent due to an FML event
- The workbench is created using PTFMLA to track eligibility and FML events
- Designated absence types (A/A) types need to be used for leave related to an FML event
- *In order to use the FML A/A types, an approved workbench must be created for the employee*

## Creating the FML Workbench

The FML Workbench is created:

- Once eligibility is approved and the Designation form is signed by the Appointing Authority
- At the start of each new event
- At the start of a new 12 month period
- When FML entitlement is restored and used for the same event more than one month later

### Training Notes:

#### Creating the FML Workbench

- Once eligibility is approved and the designation form is signed by the Appointing Authority (or designee), the workbench should be created
- **Note:** The workbench will also check employee eligibility based on the CDOT begin date and the number of hours an employee has worked in the past year. This eligibility check may not be accurate if:
  - The employee is still probationary with CDOT, but has previous state service
- An ineligible determination in PTFMLA can be over-ridden to grant the employee FML eligibility, with approval from the FML Program Manager only.
- For PPT employees, the workbench will automatically prorate the FML hours the employee is entitled to according to the employee's planned working hours.
- The validity date for the FMLA workbench is determined by the date approved on the designation form
- If the FMLA event extends more than 12 months, multiple workbenches will need to be created.

## Learning Activity: Demo 7.1



**Transaction:** PTFMFLA

**Scenario:** Debbie's mother is having surgery. FML has been designated and approved for Debbie to use continuous leave **May 1st** through **June 9th** of this year. We will use PTFMFLA to create a workbench to track Debbie's FML event.

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### Training Notes:

#### TAB 29 – PTFMFLA Create FML Workbench

Perform this transaction when there is a need to create a request for FMLA workbench for an employee.

Required workbench components:

- Personnel Number
- FMLA Reason
- Validity Dates
- Continuous or Intermittent (including planned hours) indicator
- Certificate Provided indicator
- Status

**NOTE:** If the selection window appears, pick CDOT\_FMLA\_ADMIN. New users may see this window in PRD.

## Learning Activity: Exercise 7.2



**Transaction:** PTFMLA

**Scenario:** You receive the Designation Notice signed by the Appointing Authority, indicating FML has been approved for Robert for 6 weeks beginning **May 22nd**.

1. Create an FMLA workbench for Robert in SAP.

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### TAB 29 – PTFMLA Create FML Workbench

Perform this transaction when there is a need to create a request for FMLA workbench for an employee

Required workbench components:

- Personnel Number
- FMLA Reason
- Validity Dates
- Continuous or Intermittent (including planned hours) indicator
- Certificate Provided indicator
- Status

**NOTE:** If the selection window appears, pick CDOT\_FMLA\_ADMIN. New users may see this window in PRD.

### Training Notes:



## Editing the FML Workbench

- Changing start and/or end date
- Adding/revising comments
- Deleting a workbench

### Training Notes:

#### Editing the FML Workbench

- Change FML workbench data (i.e. validity period, status)
- Add comments
- For temps and PPT and Family Care Act, indicate file path to any tracking documents used outside of SAP
- Tracking status of recertification
- Continuation of condition from a previous twelve month period
- Comments should not detail the health condition or details regarding the event
- Use to cross-reference Workers' Comp claim number
- Note STD approval dates

#### When to Delete Workbenches

FML Workbenches should only be deleted when:

- A workbench was set up prematurely (before medical certification approved) and situation is not FML qualified
- Multiple workbenches exist for the same event
- A workbench was created for the wrong employee
- *To delete a workbench, select the desired workbench and click the trashcan icon TWICE*

## Learning Activity: Demo 7.3



### Transaction: PTFMLA

**Scenario:** You received recertification paperwork to extend the leave through **June 23rd**, which will be used intermittently. We will use PTFMLA to update the workbench validity dates and add a comment.

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### Training Notes:

**TAB 30** – PTFMLA Change FML Workbench

## Learning Activity: Demo 7.4



### Transaction: PTFMLA

**Scenario:** We will use PTFMLA to delete a workbench that was mistakenly created for Terry.

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### Training Notes:

**TAB 31** – PTFMLA Delete FML Workbench

# Check Your Knowledge

*True or False: A new FML workbench must be created*

1. Always at the beginning of the fiscal year
2. When the designation notice is approved
3. When the same event exceeds 12 months
4. When FML is exhausted, restored and used within two weeks



## Training Notes:

**True or False: A new FML workbench must be created**

**Question 1:**

Always at the beginning of the fiscal year

**Answer:**

- False

**Question 2:**

When the designation notice is approved

**Answer:**

- True

**Question 3:**

When the same event exceeds 12 months

**Answer:**

- True

**Question 4:**

When FML is exhausted, restored and used within two weeks

**Answer:**

- False

# Section 8



## Leave and Timesheet

*The Department's Manual for FML Process and Procedures*

## Course Agenda



Section 7 – FML Workbench

**Section 8 – Leave and Timesheet**

Section 9 – FML and Workers' Comp

Section 10 – Monitoring FML

Section 11 – Completing the Process

Section 12 – Case Study

Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how to create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers' Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Section 8 - Learning Objectives

8

*At the end of this section, you should be able to:*

- Enter FML coded time on the employee's timesheet
- Identify common timesheet errors
- Describe the order of leave usage
- Describe the impact of holidays on FML leave

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**Training Notes:**

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

## FML Leave Entry on Timesheet

- FML absences are entered on the CAT2 timesheet
- All scheduled time must be accounted for
- Only leave accrued can be requested
- Approved leave is deducted from the Employee's leave balance
- May be more complex when multiple leave types are used

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### Training Notes:

**TAB 32** – CAT2 Maintain Timesheet – General

**TAB 33** – Attendance Absence Types

#### FML Leave Entry on the Timesheet

FML is entered in the timesheet like any other leave, but special A/A type codes must be used to designate the FML status. For absences the following fields must be completed on the timesheet:

- A/A type
  - P = Paid
  - U = Unpaid
- Total hours
- Start and end time (if less than 8 hours is charged to the A/A type)
- Must code 40 hours per week, paid or unpaid for monthly paid employees
- Only leave currently accrued in employee's leave bank can be requested
- Approved leave is deducted from the employee's leave balance at the time it is approved
  - If an employee requests leave in the future and it has been approved, leave balances are deducted immediately, NOT when the requested leave date arrives!
  - If leave has been approved and then changed, the hours are not credited back to available balance until change has been approved, including zero time entries, and processed through Time Evaluation.
- More complex when other types of leave are involved
  - Worker's Compensation, Make Whole, LWOP, Holiday Leave, etc.



## Learning Activity: Demo 8.1



**Transaction:** CAT2 – Maintain Timesheet

**Scenario:** Debbie has now been out on FML for two weeks to care for her mother.

1. Complete her timesheet for **May 1st – May 12th.**

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**Training Notes:**

**TAB 32** – CAT2 Maintain Timesheet - General

## Learning Activity: Exercise 8.2



**Transaction:** CAT2 – Maintain Timesheet

**Scenario:** Since Robert is out on continuous FML, you are responsible for completing his timesheet. The medical certificate indicates that Robert is caring for his wife as she recovers from giving birth during this time.

1. Complete Robert's timesheet for **May 22<sup>nd</sup>** through **June 2<sup>nd</sup>**.

E

### Training Notes:

TAB 32 – CAT2 Maintain Timesheet - General

## FML Timesheet Errors



Why can't an FML absence be entered on the timesheet?

- FML workbench must exist
- FML workbench must be approved
- FML workbench must be valid on date absence is entered

### Training Notes:

#### FML Errors on the Timesheet

For all FML absences entered in the timesheet, a valid FML workbench MUST be created in PTFMLA in order to enter FML Attendance/Absence types (A/A types) into a timesheet. If a workbench is not in "Approved" status and valid for the date the FML leave is being entered on, an error will be generated and the leave cannot be saved on the timesheet.

If an error is generated, verify that the FML absence entered on the timesheet is appropriate. If employee has not been approved for FML, the entry must be changed to a non-FML leave type (i.e. Annual leave, sick leave, etc.). This may require the FML entry to be zeroed out and reapproved.

**Error #1:** "An FML workbench must exist to use this A/A type. Contact your FML liaison for more information."

**Solution:** If the FML absence entered is correct and FML has been designated by the Appointing Authority, create a workbench in PTFMLA, indicating the reason, validity dates, and approved status. An FML workbench should only be created once all FML documentation is completed approved, and FML is designated by the Appointing Authority (or designee).

**Error #2:** "FML workbench request is not in Approved status. Contact your FML liaison for more info."

**Solution:** Confirm FML request has been approved and designated by the Appointing Authority (or designee). If it has, change the status from Pending to Approved in PTFMLA. If not, remove the FML A/A types from the timesheet.

This may require the FML entry to be zeroed out and reapproved.

**Training Notes:**

# FML Leave Usage and A/A Types

Now let's review the Order of Leave usage by A/A type

1. Qualified FML Leave
2. Available FML
3. Annual FML
4. FML Leave without Pay



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## Training Notes:

### Order of Leave Usage by A/A Types:

Employees must use their leave in the following order:

#### 1. Qualified FML leave

- Injury, Make whole, Bereavement, Jury, Administrative, Military

#### 2. Available FML - Comp time, FML - Alternate holiday, and/or FML- sick leave

- For leaves related to employee health condition, family health condition, or military caregiver leave, sick leave must be used before annual leave except in a use or lose situation
- Use Transaction ZH47T for use or lose report
- For FML related to addition of a child, sick leave can only be used for the prenatal and recovery period. Annual leave must be used for bonding period
- FML sick leave is not applicable for leave related to adoption and foster care
- Comp time and Alternate Holiday should be used within the same fiscal year it is earned

#### 3. FML - Annual

- Annual leave is carried over each fiscal year based on accrual maximums

#### 4. FML Leave without Pay (LWOP) – must be approved by Appointing Authority (cannot be denied)

- All other leave must be exhausted before LWOP can be used
- Must be entered by the 15th of every month and reported to Payroll

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**MM7** Should the L in "Order of leave" be capital?  
Murphy, Morgan, 8/30/2015

## FML and Holidays

When FML Usage falls on a holiday:

- There is no effect on the FML entitlement
- Employee receives the full or prorated holiday as appropriate
  - Calculation tool available to determine prorated holiday

### Training Notes:

#### Calculation Tool

- Prorated holiday – prorate holiday if LWOP is used during the month or for PPT employees

#### Calculation Tool is Located at:

- Employees → Time and Leave → Calculating Leave Manually  
<http://intranet/employees/time-and-leave/leave-calculation-page>

## Check Your Knowledge

1. What leave must the employee use first when using FML Leave?
2. What transaction is used to enter FML coded time?



### Training Notes:

#### Question 1:

What leave must the employee use first when using FML Leave?

#### Answer:

- Qualified FML Leave

#### Question 2:

What transaction is used to enter FML coded time

#### Answer:

- CAT2



# Section 9



## **FML and Workers Compensation**

*The Department's Manual for FML Process and Procedures*

## Course Agenda



- Section 7 – FML Workbench
- Section 8 – Leave and Timesheet
- Section 9 – FML and Workers' Comp**
- Section 10 – Monitoring FML
- Section 11 – Completing the Process
- Section 12 – Case Study
- Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how to create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers' Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

There is an open work session at the end of this course where you can practice and ask additional questions.

## Section 9 - Learning Objectives

9

*At the end of this section, you should be able to:*

- Identify the two types of Worker Compensation Claims
- Review Approval Letters for on-the-job injuries
- Complete the Claim Status Update Form 975
- Describe Injury Leave and the actions you must take as the FML Liaison

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### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

# FML and Workers' Comp

FML and Workers' Compensation often overlap:

- Most on-the-job injuries covered under workers' compensation may also qualify for FML
- Injury occurrences run concurrently with FML entitlement
- The same documentation must be issued as non-workers' comp cases
  - Work Status Report substitutes for the SOC Medical Certification

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## Training Notes:

### FML and Workers' Comp

Most on-the-job injuries covered under Workers' Compensation will also qualify for the protection of the FMLA. Some exceptions include:

- No ongoing treatment
- FML entitlement exhausted for the twelve month period
- Employee lacks length of service to be eligible for FML
- Continuing medical treatment after Maximum Medical Improvement (MMI), but the doctor does not certify FML

Like all other FML cases, leave related to Workers' Compensation must be reviewed and approved for FML eligibility. This requires:

- Notice of Eligibility
- Medical Certification (The Work Status Report substitutes for the SOC Medical Certification)
- Designation Notice

Although employees are not eligible for paid Injury Leave under Workers' Compensation until after using their own paid leave for the first 24 hours of lost time, the date of FML eligibility is typically the first hour of lost time.

**NOTE:** The date the injury occurs is work time, not lost time.

Once Injury Leave is authorized by Risk Management, it runs concurrently with the FML entitlement, just as any other type of paid leave. FML may be exhausted during the course of the workers' compensation claim, but entitlement may be restored in a new rolling twelve month period.

## FML, Workers' Comp and Maintenance Sections



- High volume of FML Workers' comp cases in Maintenance sections
- Timekeepers assist FML Liaisons with managing timesheet and Workers' Comp documents
- FML Liaison still manages FML documents and monitors usage

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### Training Notes:

#### FML and Workers' Comp for Maintenance Section Liaisons:

- Workers' Compensation (WC) timekeeping, including completion of the Claim Status Update Form 975 and maintaining Workers' Comp files may continue to be performed by Admin support staff who have been trained to do so and in sections where that has been the practice.
  - The Appointing Authority is responsible to ensure that a current signed confidentiality agreement is contained in the official personnel file of all employees who handle WC and FML.
- FML Liaison Office Managers and Program Assistants who supervise that support staff must communicate the expectation for accuracy on the Claim Status Update Form 975.
- In Maintenance Sections where regular timekeepers continue to prepare and submit the Claim Status Update to Risk Management, a copy must be provided to the FML Liaison.
- FML Liaison Office Managers and Program Assistants remain responsible for quality control of the Claim Status Update Form 975.
- Only FML Liaisons will manage the FML part of the process/paperwork/files in Workers' Comp cases and maintain the FML documents separately from WC files.

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**TAB 34 – Claim Status Update Form 975**

- FML Liaisons will remain responsible for reconciliation of timesheet, even in Workers' Comp cases.
  - Liaisons must ensure that Approval Letters from Risk Management are accurately reflected on the timesheet.
  - When FML ends or is exhausted, the Liaison is expected to do a final reconciliation, and then return timekeeping duties to the regular timekeeper.
  - Approval Letters from Risk can be sent to whomever the Regions/Divisions decide. Personnel to receive the letters should be listed on Supervisory Investigation Report from #1403 as well as Claim Status Update form 975. The Regional/Divisional Liaison must be listed.

**Pertaining to HIPAA and Workers' Compensation Cases and Regional distribution practices of the Work Status Report (WSR)**

- WC law allows a "need to know" basis.
- Accepting that there are varying Regional/Divisional practices concerning to whom the employee delivers a WSR (Admin, first or second level supervisor, etc.), all recipients will need a signed confidentiality agreement on file.
- The confidentiality agreement must be signed by both supervisor and employee and then forwarded to CHRM for inclusion in the employee's official personnel file.
- FML Liaisons have already signed the confidentiality agreement during training. The confidentiality agreement has been co-signed by the FML Program Manager.

**Check-in Procedures for Employees on Extended Leave**

- Concerning check-in procedures while an employee is out on extended leave:
  - FML cases will need to check-in with the Liaison according to the agreed upon schedule.
  - When the FML case is also a WC case, the employee will also need to check-in with supervisors per Region practice.

**Training Notes:**

## Workers' Comp Claims and Forms

- There are two types of Workers' Compensation Claims:
  - Non-Lost Time Claim
  - Lost Time Claim
- Both types of claims use the Claim Status Update form

*Now let's review the Claim Status Update Form 975 sections and fields*



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### Training Notes:

#### **TAB 34 - Claim Status Update Form 975**

##### **Non-Lost Time Claim**

- Employee is off work less than 24 hours due to injury
  - 24 work hours – not clock hours
- May be eligible for FML, but not eligible for paid Injury leave
- Time is charged to employee's own Sick Leave, Annual Leave, Comp Time, Alt. Holiday, LWOP
- Time may be consecutive or intermittent
- All time is recorded on the Claim Status Update Form 975 by the FML Liaison for the employee. The claim status update must be submitted to Risk Management. Remember to include:
  - Leave Balances
  - Occurrence Count
  - FMLA start and end dates

Claim Status Update Form 975 can also be found at:

- <http://intranet/business/risk-management/policy-procedural-directives-and-forms>

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**Lost Time Claim**

- More than 24 hours off work (25th hour)
- First 24 hours of leave will not be designated as injury leave unless the lost time exceeds 80 hours (81st hour)
- Approval letter issued by Risk Management authorizes lost time claim. Once the letter is received, time after the 24<sup>th</sup> hour is charged to Injury Leave as approved.
  - Risk Management has up to twenty days to take a position whether a claim is compensable or not
- Record all time on Claim Status Update Form 975 every two weeks or when a critical event occurs. Critical events include:
  - First 24 hours and entering into the 25th hour
  - Entering into the 81st hour – first 24 hours is converted from employee’s own leave to paid Injury Leave
  - 90 Occurrences Injury Leave expires/ Make Whole begins
  - Change in employee health status – Surgery, Modified Duty, Regular Duty

**Training Notes:**



## Learning Activity: Demo 9.1



Review the fields and requirements of the Claim Status Update Form

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Training Notes:

### TAB 34 – Claim Status Update Form 975

- All time is recorded on the Claim Status Update form (CDOT Form 975) by the FML Liaison for the employee. The claim status update must be submitted to Risk Management. Remember to include:
  - Leave Balances
  - FMLA start and end dates

# Injury Leave



- Injury leave allows a maximum of 90 paid occurrences
- Requires an Injury Leave Approval Letter
- Typically requires timesheet revision



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## Training Notes:

### TAB 35 – Approval Letter for Injury Leave

#### Injury Leave

- Injury leave is PAID LEAVE allotted to the employee because of a compensable lost time claim. The employee is covered by CDOT's workers' compensation program (Broadspire) once approved by Risk Management.
- Injury leave allows for a maximum of 90 paid occurrences
- 1 occurrence = any injury related leave encompassed in one work day.  
Examples:
  - 1-2hr doctor appointment
  - 1 single day dedicated to recovery
  - Multiple separate doctor or treatment appointments in a single day
- Employee is not entitled to take the entire day off if the leave related to the injury does not warrant it.
- An employee on intermittent use of FML/Injury Leave is only entitled to declare the actual time of the medical appointment plus round trip travel. If the employee wants additional time off that day, he or she must use annual leave.
- An employee is not allowed to "make-up" time taken for Workers' Compensation medical appointments in order to save declared occurrences
- Employee receives regular pay from CDOT

## Learning Activity: Demo 9.2



**Scenario:** Ron Hurt has been injured on the job and designated for FML as of **May 22nd**. You receive an Injury approval letter from Risk Management. The letter states the injury leave is approved to be used beginning **May 29th**.

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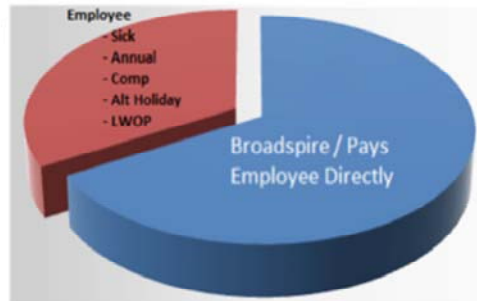
### Training Notes:

#### TAB 35 - Approval Letter for Injury Leave

- Injury leave is the paid leave allotted to the employee required because of a compensable lost time claim. The employee is covered by CDOT's workers' compensation program (Broadspire) once approved by Risk Management.

# Make Whole Process

- If the employee has not reached MMI once the 90 occurrences have been exhausted, Make-Whole will be applied
- Requires approval through Risk Management



## Training Notes:

### TAB 36 - Approval Letter for Injury Make Whole or Leave Without Pay

#### Make Whole

- If the employee has not reached MMI once the 90 occurrences has been exhausted, Make-Whole will be applied
- Under Make-Whole, the employee is paid approximately two-thirds of their Average Weekly Wage (AWW) directly from Broadspire every two weeks
- The additional one-third must be “made-whole” by the employee using work time, accrued paid leave, and/or LWOP
  - Amount of leave an employee is required to use depends on salary
  - Employee exhausts leave then LWOP
  - If LWOP is used, notify Payroll AND Risk Management
- If the employee has been approved for Make-Whole leave, Risk Management will issue a letter outlining the employee’s entitlement. Make-Whole should not be used until this letter is received.
- FML CONTINUES on Make Whole
- Claim Status Update Form 975, including leave balances, is required every two weeks

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**MM8** Typo - once the 90 occurrences HAVE been exhausted.  
Murphy, Morgan, 8/30/2015

## Learning Activity: Demo 9.3



**Scenario:** Ron has now exhausted his 90 occurrences of injury leave, but is still unable to work and using FML. You have received a letter from Risk Management indicating that he has been approved for Make Whole. We will use the letter provided to enter the appropriate leave for one week.

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**Training Notes:**

**TAB 36** - Approval Letter for Injury Make Whole or Leave Without Pay

## At the End of Workers' Compensation

- Workers' Compensation ends with the MMI letter from Risk Management to end the use of injury leave or Make whole



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### Training Notes:

#### **TAB 37 – Maximum Medical Improvement Letter**

##### **At the End of Workers' Compensation**

The MMI letter is created by Risk Management and is sent to:

- The Employee
- Employee's Supervisor
- Employee's Timekeeper
- Employee's FML Liaison

MMI concludes eligibility for FML unless maintenance care is authorized as part of the WC claim; or the employee is receiving private treatment

- Private treatment requires medical certification
- FML can be used on the date the employee reaches MMI

## Learning Activity: Demo 9.4



**Scenario:** Ron has reached maximum medical improvement. Review the letter received by Risk Management

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**Training Notes:**

**TAB 37** – Maximum Medical Improvement Letter



## Check Your Knowledge

1. During Make Whole, the insurer pays the employee two-thirds salary. Where does the other one-third come from?



### Training Notes:

#### Question 1:

During Make Whole, the insurer pays the employee two-thirds salary. Where does the other one-third come from?

#### Answer:

The Employee pays themselves with leave if available. Otherwise, LWOP must be coded.

# Section 10



## Monitoring FML

*The Department's Manual for FML Process and Procedures*

## Course Agenda



Section 7 – FML Workbench

Section 8 – Leave and Timesheet

Section 9 – FML and Workers' Comp

**Section 10 – Monitoring FML**

Section 11 – Completing the Process

Section 12 – Case Study

Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers' Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Section 10 - Learning Objectives

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*At the end of this section, you should be able to:*

- Describe how FML is monitored
- Identify the responsibility of the Supervisor to approve FML time
- Monitor FML employee entitlements for low balances
- Describe the recertification process
- Identify when an employee has exhausted FML and the action you need to take

### Training Notes:

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

## Monitoring FML

FML must be tracked and managed

- Leave approval
- Entitlement remaining
- Re-certifications
- Low and exhausted balances

### Training Notes:

#### Monitoring FML

The FML Liaison is responsible for tracking and managing the FML process. This includes leave approval, entitlement remaining to the Employee, re-certifications and low and exhausted balances.

## Leave Approval

- Supervisors with FML employees **must** approve absences to ensure the accuracy of the FML balance reports
- Time must be approved weekly by the Supervisor
- The AA approves leave without pay by the 15<sup>th</sup> of the month

### Training Notes:

#### TAB 08 – CADO Display Time Entry Status with a Variant

##### Leave Approval

- Supervisors use CAPP to approve time. A similar transaction, CADO, allows you to view all time and leave entries and their statuses
- Determine if time has been approved using CADO or CAT2

##### Using CADO to Display Approved FML Leave Entries







1. Use FMLA (ALL) variant to view approved FML entries for an employee
2. Enter PERNRs you would like to report on
3. Variant defaults to approved status: leave blank or enter additional statuses as needed
4. Variant defaults to current month; change the date specification as needed SAP roles are available to give managers additional time approval authority when appropriate.

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### CADO and CAT2 Status Codes

CADO and CAT2 use status codes to indicate where time is in the time approval process. The following table describes the status codes fields. Each of the columns are described after the table.

Status Code	Status Text	Status Bar indicator	Action needed
10	In process		EE or Timekeeper must release the time for approval
20	Released for Approval		Supervisor and/or AA needs to approve time
30	Approved		No Action needed
40	Approval Rejected		Timesheet needs to be corrected
50	Changed after Approval		Hours need to be adjusted (zero out to cancel entry) and re-released for approval
60	Cancelled		Verify absence is unattached from the workbench

The bulleted list below describe the table columns.

- **Status Code** - Displays where the entered time is in the time approval process
- **Status Text** – provided an explanation of the Status Code field
- **Status Indicator Bar** – Provides a visual indicator of the status of the time
- **Action needed** – Describes the action the roles or roles need to take in order to continue the time approval process

### Training Notes:

## Learning Activity: Demo 10.1



### Transaction: CADO

**Scenario:** You need to know if Debbie's FML absences you entered previously have been approved. We will use CADO to determine the answer

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### Training Notes:

**TAB 08** – CADO Display Timesheet Status with a Variant



## Learning Activity: Demo 10.2



### Transaction: CAT2

**Scenario:** As an alternative, you can look up the approval status of an absence in CAT2. We will now use CAT2 to determine if an absence has been approved.

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### Training Notes:

#### TAB 32 – CAT2 Maintain Timesheet - General

1. Variable View – Choose Approved; approved entries appear in blue
2. Double click in Hours cell

## Entitlement remaining

### What to monitor:

- Employees with low entitlement
- Employees moving in and out of entitlement
- Employees exhausting paid leave

### Training Notes:

### Entitlement Remaining

The following actions are taken by the FML Liaison to monitor entitlement remaining.

- Use ZH62 to monitor current and future balances.
- Anticipate when entitlement will be restored and exhausted.
- Determine when employees need to be notified regarding remaining entitlement
- Track when/if employees will need to use unpaid leave

## Learning Activity: Exercise 10.3



**Transaction:** ZH62 – FML Forecast Report

**Scenario:** After running a CADO report, you see that Robert’s supervisor has approved the FML absences for the week of **May 22nd**. Review ZH62.

1. Using the start date of **May 22nd**, how much FML entitlement will Robert have after his event is over on **June 30th**?
2. Using the start date of **June 30<sup>th</sup>**, how much FML entitlement does he have left?
3. Why are the balances different?

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Training Notes:

TAB 11 – ZH62 FML Forecast Report

# Recertification Scenarios

	Notifications	FML Forms	SAP Actions
<b>Condition recertified within same 12 month period</b>	FML forecast report to supervisor and employee	<ul style="list-style-type: none"> <li>• Certification document</li> <li>• Designation Notice</li> </ul>	<ul style="list-style-type: none"> <li>• Edit validity dates on existing workbench</li> <li>• Add comment to existing workbench</li> </ul>
<b>Condition continues into new 12 month period</b>	FML forecast report to supervisor and employee	<ul style="list-style-type: none"> <li>• Notice of Eligibility</li> <li>• Certification documents</li> <li>• Designation notice</li> </ul>	<ul style="list-style-type: none"> <li>• Create new workbench</li> <li>• End date previous workbench</li> </ul>

## Training Notes:

### Recertification Scenarios

- Liaison needs to ensure timesheet is complete and approved immediately upon exhaustion
- Timeliness is critical

## Low Balance

- What is considered low balance?
  - 120 hours for continuous FML
  - 40 hours for intermittent FML
- Employees must be notified of low balance
- Low balance report and notification letters are generated monthly

### Training Notes:

#### What is Considered a Low Balance and Communication

- Low and exhausted balances must be monitored closely because employees are at risk of losing job protection
  - For Continuous FML, low balance is less than 120 hours of entitlement remaining
  - For Intermittent FML, low balance is less than 40 hours of entitlement remaining
- Low balance must be communicated to the:
  - Employee
  - 1<sup>st</sup> and 2<sup>nd</sup> level supervisor
  - Regional Civil Rights Managers
  - Appointing Authority
- Employees may restore and use entitlement simultaneously resulting in chronic low balance
- Low balance report and notification letters are generated monthly
  - If you need to send this prior to the run the template is available on i

## FML Low Balance Report

- Employee must have used FML in previous month  
**AND**
- For continuous FML – have less than 120 hours of FML entitlement remaining
- For intermittent FML – have less than 40 hours of FML entitlement remaining
- The FML workbench is valid on the date the report runs

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### Training Notes:

#### TAB 38 – Example of FML Low Balance Report and Letter

##### The FML Low Balance Report

- An automatically generated system report emailed to all FML Liaisons on the 5<sup>th</sup> of every month
- Includes all affected employees for the FML Liaison's region or division
  - Liaisons will have to coordinate who contacts which employees
- Includes permanent full-time employees who have used FML in the previous month and meet thresholds
- Reported out as a Microsoft Excel file and a Word document that includes merged employee letters
- Email will be sent out to all FML Liaisons every month even if no employees in your area are on the report.

## Low Balance Notifications

FML Low Balance report and letters sent to Liaisons on the 5<sup>th</sup> of every month

- Liaison sends letter within **3 business days** to employee and copies 1<sup>st</sup> and 2<sup>nd</sup> level supervisor
- FML Program Manager informs Civil Rights Managers (CRM)
- Appointing Authorities are contacted by the CRMs and Employee Relations (HQ only)

### Training Notes:

#### Low Balance Notifications

- Notification by CDOT email or hand delivery is appropriate for employees on intermittent FML.
- Certified and regular postal mail is necessary for employees on continuous FML.
- Low Balance reports are essential to closely monitor all employees on the low balance report

*The tracking process continues until all FML Leave is exhausted*

## Learning Activity: Demo 10.4



**Scenario:** It is the 5<sup>th</sup> of the month and the FML Liaison received the system generated report to display the list of employees who must be notified. Review the components of the report and extract the individual letters from merged file.

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**TAB 38 – Example of FML Low Balance Report and Letter**

**TAB 40 – (Print a Single Letter from the FML Leave Balance Report)**

- Email Text
- Excel Report
- Merged Letters

**Training Notes:**



# FML Exhaustion

	Notifications	FML Forms	SAP Actions
FML is exhausted and will be restored before designation ends within same 12 months	FML forecast report to supervisor and employee	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>All FML absences entered and approved on timesheet</li> <li>Edit end date workbench</li> </ul>
FML is exhausted and will be restored after designation ends within same 12 months	FML forecast report to supervisor and employee	<ul style="list-style-type: none"> <li>New certification documents</li> <li>New Designation notice based on new certification document</li> </ul>	<ul style="list-style-type: none"> <li>All FML absences entered and approved on timesheet</li> <li>End date workbench</li> <li>When FML is restored edit workbench end date or create new workbench if restored more than 1 month later</li> </ul>
FML is exhausted and will be restored after designation ends in new 12 month period	FML forecast report to supervisor and employee	<ul style="list-style-type: none"> <li>Notice of Eligibility</li> <li>Certification documents</li> <li>Designation notice</li> </ul>	<ul style="list-style-type: none"> <li>End date previous workbench</li> <li>Create new workbench</li> </ul>

## Training Notes:

### FML Exhaustion

The table above describes the required notification, form and SAP actions required.

The following apply when leave is exhausted:

- Exhaustion of FML ends job protection
- Short term disability and ADA may offer alternate resources for job protection
- Identify if employee will restore job protection prior to designation period ending
  - needs to ensure timesheet is complete and approved immediately upon exhaustion
  - Timeliness is critical

# FML Exhaustion Process

## ***FML is exhausted and Employee still requests leave:***

1. As of exhaustion date, provide copy of FML Forecast Report to Employee and supervisor indicating when additional FML entitlement will be restored
2. End date workbench as of exhaustion date
3. Educate employee on alternative resources including ADA, as necessary

## ***Once FML entitlement is restored:***

1. Complete any required forms (Recertification, Designation, etc.)
2. Create a new FML Workbench if certification exists for the same event and more than one month has elapsed since exhaustion in the **current** 12 month period
3. Once FML entitlement is earned back, create new work bench if same event occurs in a **new** 12 month period

## Training Notes:

### FML Exhaustion Process

The slide above describes the FML exhaustion process, additionally:

- Liaison needs to ensure timesheet is complete and approved immediately upon exhaustion
- Timeliness is critical

## Check Your Knowledge

1. The FML Low Balance report and letters are distributed on the \_\_\_ of every month.
2. To whom should the FML Liaison send the FML Low Balance letter?
3. Why is it necessary to end date the workbench when FML entitlement is exhausted?



### Training Notes:

#### Question 1:

The FML Low Balance report and letters are distributed on the \_\_\_ of every month.

#### Answer:

- Fifth

#### Question 2:

To whom should the FML Liaison send the FML Low Balance letter?

#### Answer:

- The Employee and the Employee's first and second level supervisor

#### Question 3:

Why is it necessary to end date the workbench when FML entitlement is exhausted?

#### Answer:

- To prevent further coding of FML absence types on the timesheet

# Section 11



## Completing the Process

*The Department's Manual for FML Process and Procedures*

## Course Agenda



- Section 7 – FML Workbench
- Section 8 – Leave and Timesheet
- Section 9 – FML and Workers' Comp
- Section 10 – Monitoring FML
- Section 11 – Completing the Process**
- Section 12 – Case Study
- Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers' Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Section 11 - Learning Objectives

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*At the end of this section, you should be able to:*

- Describe the factors that end FML
- Evaluate Fitness to Return Documentation
- Identify the roles and notification required at end of an FML case

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**Training Notes:**

The learning objectives are designed so that:

- Each of the learning objectives corresponds to a slide, or series of slides, in this section of the course.
- By the end of this section you should be able to perform each of the listed objectives with the support of the training materials.
- The section learning objectives are tied directly to the course objectives reviewed at the end of the course.
- As the course progresses the level of detail will increase.
- At the end of the section there will be some high-level questions to reinforce the learning objectives.

## Factors that End FML

1. Duration of leave designated in medical certification is met
2. Employee presents a Fitness To Return (or Work Status Report)
3. Employee under Workers' Compensation has reached MMI
4. Employee exhausts entitlement of 520 hours within 12 month period
5. Employee exhausts entitlement of 1,040 hours for Military Caregiver Leave or 12 month period expires
6. Termination
7. Death



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### Training Notes:

#### Factors Ending FML Leave

- Duration of leave specified in medical certification is met and employee does not request additional leave
- Employee presents a Fitness To Return (or Work Status Report) allowing full duty/no restrictions/no continuing treatment
- Employee under Workers' Compensation is determined to reach MMI with no Workers' Compensation maintenance care; and no continuing treatment from personal medical providers
- Employee exhausts entitlement of 520 hours for regular FML in 12 month period
- Employee exhausts 12 month entitlement of 1,040 hours for Military Caregiver Leave or 12 month period expires before Military Caregiver entitlement exhausted
  - no re-certifications permitted
- Termination of the Employee for any reason
- Death of the Employee on FML leave

## Evaluate Fitness and Work Status Report

Supervisors must receive a copy of the Fitness To Return or Work Status Report to release the employee back to work

There are four return to work options:

- Return to work with no restrictions
- Unable to return at this time
- Able to return with reduced work schedule
- Able to return with restrictions



### Training Notes:

#### **TAB 41 - State of Colorado Fitness To Return Certification**

##### **Evaluating Fitness to Return and Work Status Report**

Restrictions must be evaluated in relationship to the job duty statements from the employee's PDQ

- In Workers' Compensation cases, CDOT Procedural Directive 89.3 on Modified Duty governs return to work with temporary accommodations lasting no longer than six months from the time a modified duty offer is made by the Appointing Authority
- CDOT has no formal modified duty program outside Workers' Comp
- The Appointing Authority must evaluate restrictions on a case-by-case basis in comparison to the business needs of the organization
- Nothing in rule or law requires accommodation of temporary work restrictions
- FML Liaison must consult with Appointing Authority (or designee) and Risk Management concerning temporary work restrictions in Worker's Compensation cases
- FML Liaison must consult with Appointing Authority (or designee) and FML Program Manager concerning temporary work restrictions in all other cases
- In all cases, permanent work restrictions will trigger referral to the Civil Rights Manager or ADA Coordinator.



## End of FML Notification



The following stakeholders need to be notified when an FML case is closed:

- Supervisory Chain and Appointing Authority
- FML Program Manager
- Employee
- Employee's regular timekeeper

If it is also a Worker's Compensation case, notify:

- Risk Management

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### Training Notes:

#### End of FML Notification

The following is a list of the stakeholders that need to be notified when an FML case is closed and what they need to be told. Remember, you need to protect the Employee's right to privacy.

##### *Notify Supervisory Chain and Appointing Authority*

- Employee's anticipated return date if returning to work
- Employee's inability to return

##### *Notify the FML Program Manager*

- Employee has exhausted FML, but still cannot return to work
- Request STD balance remaining, if applicable

##### *Notify Employee: Use Low Balance Report Letter*

- FML exhausted
- Paid leave balances remaining
- Paid leave exhausted, but unpaid FML remaining

**Continued on next page**

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*Notify regular timekeeper if other than yourself*  
FML and/or Make Whole is completed

- Regular timekeeper resumes maintenance of the time sheet

*If the FML is also a Workers' Compensation case*

Submit a Claim Status Update Form 975 to Risk Management noting

- MMI if applicable
- Employee returned to work with no additional lost time anticipated
- Employee returned to work , but additional lost time is anticipated
- Occurrence count
- FML remaining or exhausted

**Training Notes:**

# FML Liaison End of FML Actions

The FML Liaison is responsible for:

- Reconciling the Employee timesheet
- Revising timesheet if needed (especially unused FML LWOP coded for the month)
- Adjusting end date of workbench, if needed
- Verifying the FML hardcopy file is complete
  - Retain for three years
  - Destroy by shredding after three years



## Training Notes:

### End of FML Actions

As the FML Liaison you must complete all of the hardcopy files and verify they are complete. The files are confidential and must be stored in a secured location.

## Check Your Knowledge

1. What are the seven factors that end FML?
2. How many years must the hardcopy of the FML File be kept?



### Training Notes:

#### Question 1:

- What are the seven factors that end FML?

#### Answer:

1. Duration of leave in medical certification is met
2. Employee presents a fitness to return
3. Employee under Workers' Comp reaches MMI
4. Employee exhausts entitlement of 520 hours
5. Employee exhausts entitlement of 1,040 hours for Military Caregiver Leave or 12 month expires
6. Termination
7. Death

#### Question 2:

- How many years must the hardcopy of the FML File be kept?

#### Answer:

- Three years

# Section 12



## Case Studies

*The Department's Manual for FML Process and Procedures*

## Course Agenda



- Section 7 – FML Workbench
- Section 8 – Leave and Timesheet
- Section 9 – FML and Workers’ Comp
- Section 10 – Monitoring FML
- Section 11 – Completing the Process
- Section 12 – Case Study**
- Conclusion

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
- **Section Nine** - Explains the connection between FML and Workers’ Comp
- **Section Ten** – Provides an explanation of how FML is monitored through Leave approval, entitlement remaining, re-certification and low and exhausted balances
- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Case Studies



Now is your chance to practice what you have learned in the system

- There are three case studies
- Ask questions and get help as you need it

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### Training Notes:

- Now is the time to practice what you have been learning. Refer to the slides in this section for the case studies and the details of each.



## **Conclusion**

*The Department's Manual for FML Process and Procedures*



## Course Agenda



- Section 7 – FML Workbench
- Section 8 – Leave and Timesheet
- Section 9 – FML and Workers' Comp
- Section 10 – Monitoring FML
- Section 11 – Completing the Process
- Section 12 – Case Study
- Conclusion**

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### Training Notes:

The course is broken out into 12 sections. Sections 7 through 12 and the conclusion are described below:

- **Section Seven** – Provides you with an overview of the FML Workbench and how create and maintain a workbench
- **Section Eight** - Discusses how to maintain the timesheet for FML qualifying Employees, resolving errors, and entering holidays
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- **Section Eleven** – Covers the actions of the FML Liaison once the Employee no longer is taking FML leave
- **Section Twelve** - Consists of case studies used to practice what you have learned in the course
- **Conclusion** - At the end of this course you will have the opportunity to evaluate the course and identify where to get help

## Conclusion

You should now be able to:

- Identify the roles and responsibilities of the FML Liaison, employees, supervisors and the appointing authorities (or designee)
- Determine qualifying conditions of for FML Eligibility
- Certify individuals for FML
- Evaluate FML forms such as the Medical Certification for completeness and accuracy
- Perform transactions in SAP to support CDOT's FML Program

### Training Notes:

- You should be able complete and/or describe each of the items bulleted above.
- If you have any questions about the list on this slide ask the instructor for more information.

## Learning Activity: Course Evaluation

- It is critical to CDOT to receive your feedback on this class
- You will be sent a survey about this class



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### Training Notes:

- The Survey will appear on My Learning tab in the SAP portal. You will have 2 weeks to complete it.

## Where Can I Get Help – People?

For additional assistance with changes to FML contact:  
Christine Andersen (Process)

- Email: [Christine.Andersen@state.co.us](mailto:Christine.Andersen@state.co.us)
- Phone: 303.512.5449

Rachel Grafton (SAP)

- Email: [Rachel.Grafton@state.co.us](mailto:Rachel.Grafton@state.co.us)
- Phone: 303.757.9230



### Training Notes:

If you run into problems while working with the new FML process, you can contact:

- Christine for help with the process and website questions
- Rachel for SAP technical and reporting assistance

# FML SharePoint



The FML SharePoint site has:

- Course Materials
- Announcements
- Calendar
- Current forms
- Policy

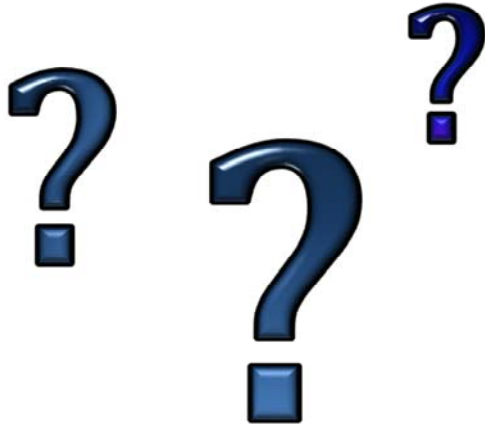
It can be found at the following address:

- <http://connectsp/sites/workforce/FML/SitePages/Home.aspx>

## Training Notes:

- All of the documentation including this manual are housed on the FML forms SharePoint site listed on the above slide
- It is always best to pull all forms from the SharePoint site to ensure you have the most recent version of the form
- It also contains all FML related documents

# Questions?



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## Training Notes:

If you have any questions after the course, please contact the course instructors