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| Approval | | SOP Owner | Kristen Reams |

Standard Operation Procedure – FMLA

PURPOSE:

FMLA is an often confusing and intimidating process. The purpose of this procedure is to inform and advise managers on their responsibilities regarding employee FMLA, how to identify what constitutes a valid FMLA event, how to know if the employee is eligible for FMLA, and how to ensure FMLA is treated in a timely manner.

SCOPE:

This procedure is for Human Resources personnel, department directors and managers.

PREREQUISITES:

Eligible employees may take up to 12 workweeks of FMLA leave in a 12-month period for the following qualifying reasons:

- The birth of a child and to bond with the newborn child within one year of birth,
- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement,
- A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care,
- To care for the employee’s spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care. (This does not include in-laws – See Washington State Family Care Act).
- Any qualifying crisis arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

In addition, eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a **covered service member** with a serious injury or

illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (referred to as military caregiver leave). An eligible employee is limited to a *combined* 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period.

Determining eligibility:

- Employees who have worked for Cascade Connections for at least **12 months** as of the date the FMLA leave is to start.
- Will have at least 1,250 hours (approximately 24+ hours per week) of service for Cascade Connections during the 12-month period immediately before the date the FMLA leave is to start.
- Only the time actually worked, including overtime hours worked, is counted. Time not actually worked, including vacation, personal leave, sick leave, holidays, and any other form of paid time off (PTO) is not counted towards the 1,250 hours of service. Unpaid leave of any kind or periods of layoff also are not counted.
- Works at a location where the employer employs at least 50 employees within 75 miles as of the date when the employee gives notice of the need for leave.

RESPONSIBILITIES:

It is the responsibility of Human Resources, Payroll, Program Directors, Managers and employees to manage FMLA.

❖ **Employee**

Employees must provide notice of their need for FMLA leave. In general, Cascade Connections may require that employees comply with Cascade Connections usual and customary policies for requesting leave, unless unusual circumstances prevent the employee from doing so. Cascade Connections can take action under its internal rules and procedures if the employee fails to follow its usual and customary rules for requesting leave. Cascade Connections may not discriminate against employees taking FMLA leave. Cascade Connections may also choose to waive the employee's notice requirement or its own internal rules about leave requests.

Generally, an employee must give at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. For example, if an employee scheduled surgery in two months, the need for leave is foreseeable and the employee must provide at least 30 days advance notice.

If 30 days advance notice is not possible because the foreseeable situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical.

In the case of FMLA leave for a qualifying crisis of a military family member, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

When the need for leave is unexpected, the employee must provide notice as soon as possible and practical. It should usually be reasonable for the employee to provide notice of leave that is unforeseeable within the time required by the Cascade Connections’ usual and customary notice requirements. Whether the employee’s notice of unforeseeable leave is timely will depend upon the facts of the particular case.

Content of an Employee’s Notice

An employee’s notice of a need for FMLA leave may be oral or written. The first time the employee requests leave for a qualifying reason, he or she is not required to specifically mention the FMLA. However, the employee is required to provide enough information for the manager to know that the leave may be covered by the FMLA. For foreseeable leave, the employee must also indicate when and how much leave is needed.

Once approved for FMLA, if additional leave is needed for that same reason, the employee may be required to reference that reason or the FMLA. In all cases, the employer may ask additional questions to determine if the leave is FMLA-qualifying.

❖ **Director/Managers Obligation**

As soon as a manager has enough information that indicates an employee’s need for leave may be for an FMLA-qualifying reason, the manager should begin the FMLA leave process. Cascade Connections’ management team play a vital role in ensuring FMLA compliance. Directors and Coordinators must be able to recognize FMLA-qualifying reasons for leave and notify Human Resources so the proper notifications and eligibility checks are performed in a timely manner.

| Qualifying Reason for Leave | HR will distribute forms |
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| Birth or adoption of a child, or placement of a child with employee for adoption or foster care | WH-381 – Notice of Eligibility and Rights and Responsibilities WH-380E – Certification of Health Care Provider (employee pregnancy) |
| Employee’s own serious health condition | WH-381 – Notice of Eligibility and Rights and Responsibilities WH-380E – Certification of Health Care Provider |
| To care for spouse, child or parent’s serious health condition | WH-381 – Notice of Eligibility and Rights & Responsibilities |

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|---|--|
| | WH-380F – Certification of Health Care Provider for Family Member’s Serious Health Condition completed by physician - <i>if eligibility requirements are met.</i> |
| Qualifying exigency arising from a spouse, son or daughter, or parent being on active duty status as a member of the National Guard or Reserve | WH-381 – Notice of Eligibility and Rights and Responsibilities WH-384 – complete Employer Section 1 for Certification of Qualifying Exigency for Military Family Leave - <i>if eligibility requirements are met</i> |
| Employee is the spouse, son or daughter, parent, or next of kin of a covered <i>service member</i> with a serious injury or illness resulting from his/her service. | WH-381 – Notice of Eligibility and Rights and Responsibilities. WH-385 – Certification of Serious Injury or Illness of Covered Service Member – <i>if eligibility requirements are met.</i> |
| Employee is the spouse, son or daughter, parent, or next of kin of a covered <i>veteran</i> with a serious injury or illness resulting from his/her service. | WH-381 – Notice of Eligibility and Rights and Responsibilities WH – 385V – Certification of Serious Injury or Illness of Covered Veteran – <i>if eligibility requirements are met.</i> |

❖ **Human Resources**

Once the Manager notifies Human Resources (HR) of an employee’s request, or the possibility of an employee being eligible for FMLA, HR will complete and send the required forms (listed above) to the employee. If medical certifications are required, HR will follow-up with the employee and the department director/manager should forms not be returned within the allowed time parameters. HR will enter FMLA Leave information into Sentric for tracking purposes.

❖ **Payroll**

Payroll adds hours to Sentric under FMLA Balance Summary for hours tracking purposes.

PROCEDURE:

- ❖ Employee or employee’s representative notifies their department’s manager of need for absence.
- ❖ Manager gathers information and notifies HR about the employee request or employee’s possible need for FMLA.

- ❖ HR reviews employee tenure with the company and determines if request meets FMLA parameters. HR sends employee appropriate notices and certification documents.
 - Certification documents are received and reviewed by HR,
 - Final FMLA eligibility is determined
 - HR sends FMLA Designation Notice to employee informing of the their eligibility or ineligibility for FMLA.
 - HR informs department of employee's eligibility status.

For FMLA eligible employees, HR will complete notices and eligibility absence requests in Sentric. HR notifies Payroll of the employees leave status. HR places employee on leave in Sentric.

- ❖ Managers add hours to employee timecard.
 - If the employee is on PAID FMLA, go to Attendance>Time Administration>Time Cards. Pull up employee's time card and right click on the date the absence is taking place.
 - Right click on "adjustments"
 - Select "credit/debit hours"
 - Add amount of hours designated as FMLA - generally, this will be 8 hours.
 - Select "pay destination" then scroll down to
 - FMLA_PD (if they are using PTO)
 - FMLA_UNPD (if they have exhausted PTO)
 - Click OK
 - Complete this task for each day the employee is on FMLA.

- ❖ Employees who are on unpaid FMLA will not show under "Active Employees". You will find these employees by viewing the left side of the Attendance page under "Employee Lists" select "Terminated Employees" and locate your employee. At the top of the employee page, toward the left side, locate the white box indicating "Personal Info" click the ▼ down button and select "Timecard", complete steps listed above.

REFERENCES:

- ❖ The Employers Guide to the Family Medical Leave Act
<https://www.dol.gov/whd/fmla/employerguide.pdf>

DEFINITIONS: