

Procedure Title:	Family and Medical Leave Procedure		
Procedure Number:	DHS-060-040-01	Version:	2.0
Effective Date:	Upon Approval		

Approved: Jeremy Emerson, Interim Chief Administrative Officer **Date:** June 2, 2009

Procedure

Step	Responsible Party	Action
1.	Employee	<p>Family and Medical Leave (FMLA/OFLA) Completes and submits to the Office of Human Resources (OHR) a Department of Human Services (DHS) Request for Family and Medical Leave form <u>DHS 0113E</u> no less than 30 days prior to the planned absence. In the event of a medical emergency or unforeseeable event, the Employee’s supervisor or the Office of Human Resources shall be contacted as soon as possible.</p> <p>The employee is required to provide to OHR certification from the employee’s or qualifying family member’s health care provider for the qualifying event, <u>DHS 0113</u>, DHS Health Care Provider Certification form, <u>DHS 0113B</u>, FMLA Military Health Care Certification form or <u>DHS 0113C</u>, Certification of Qualifying Exigency form.</p> <p>Completes a <u>DHS 0046</u>, Request for Leave – Absence Report and submits the request to their immediate supervisor, coding their leave time for Family Medical Leave as appropriate.</p> <p>Sick Child – Non-serious – Oregon Family Medical Leave Act (OFLA) Completes a <u>DHS 0046</u>, Request for Leave – Absence Report and submits the request to their manager. Updates Daily Time Capture reflecting OFLA leave. (Refer to <u>DHS 0046</u> for OFLA coding instructions).</p> <p>Complete and submit to OHR form <u>DHS 0113E</u>, Request for Family and Medical Leave, with the first absence for a Sick Child, Non-serious event in a 12-month period.</p>

		<p>Employee may be required to provide a medical certification after the third occurrence of Sick Child leave in a 12-month period.</p> <p>Note: If the employee has questions regarding FMLA/OFLA see form DHS 0113i Family and Medical Leave Packet Instructions and DHS 0113Q, Frequently Asked Questions About Family and Medical Leave.</p>
2.	Immediate Supervisor/Manager	<p><u>Family and Medical Leave</u></p> <p>Upon receipt of the DHS 0113E Request for Family and Medical Leave form, the manager faxes or emails the DHS 0113E to OHR. If the manager becomes aware that leave time may be FMLA/OFLA qualifying, the manager contacts OHR by email or telephone.</p> <p>Medical documentation received regarding the medical event is forwarded to OHR.</p> <p>In the employee's absence, the manager is responsible for updating the employee's time capture screen and forecasting leave without pay if no leave time is available.</p> <ul style="list-style-type: none"> • If the agency has sufficient information to determine that an employee's absence is FMLA and/or OFLA qualifying, the employee's absence will be protected by FMLA and/or OFLA even if the employee does not ask for Family Medical Leave. • The manager should notify OHR immediately and is responsible for ensuring that the employee's time is reported appropriately. <p><u>Sick Child – Non-serious – Oregon Family Medical Leave (OFLA)</u></p> <p>The manager obtains the DHS 0046, Request for Leave – Absence Report from the employee, ensuring that the time is coded correctly in the time capture system. At the first absence for a Sick Child-Non-serious event in a 12-month period, request the employee to complete and submit to OHR form DHS 0113E, Request for Family and Medical Leave.</p> <p>If the employee has more than three (3) absences</p>

		based on sick child non-serious events, the employer may request medical documentation. Consult with OHR before requesting a medical certification.
3.	Office of Human Resources (OHR)	<p><u>Family and Medical Leave</u> Receives the request for FMLA and/or OFLA leave, reviews the request for appropriate documentation and determines if the leave qualifies for FMLA and/or OFLA. Under most circumstances, the OHR will provide an initial response within five business days to an employee's request for leave or notification of an employee's need for leave that qualifies under FMLA and/or OFLA.</p> <p>OHR provides written notification of the determination to the employee with copies to Payroll, the Human Resource Analyst, and the employee's immediate supervisor.</p>
4.	Employee	<p><u>Denial of FMLA and/or OFLA</u> If the employee receives denial of FMLA and/or OFLA, the employee is responsible for correcting the <u>DHS 0046</u>, Request for Leave – Absence report and correcting the coding in the time capture system.</p>
5.	Immediate Supervisor/Manager	<p><u>Denial of FMLA and/or OFLA</u> The supervisor is responsible for collecting an updated <u>DHS 0046</u> Request for Leave – Absence report that corrects the leave code to reflect the denial of FMLA and/or OFLA.</p> <p>The supervisor is responsible for verifying and locking the employee's time, ensuring that time capture is updated appropriately when FMLA and/or OFLA is denied.</p>

Policy that applies:

- DAS 60.000.15: Family and Medical Leave (<http://www.oregon.gov/DAS/HR/docs/advice/P6000015.pdf>)
- DHS-060-040: Family and Medical Leave Policy

Forms that apply:

- [DHS 0046](#) - Request for Leave – Absence Report
- [DHS 0113](#) - Health Care Provider Certification
- [DHS 0113B](#) – FMLA Military Health Care Certification
- [DHS 0113C](#)- Certification of Qualifying Exigency
- [DHS 0113E](#)- Request for Family and Medical Leave
- [DHS 0113i](#)- Family and Medical Leave Packet Instructions
- [DHS 0113Q](#)- Frequently Asked Questions about Family and Medical Leave

Other Resources:

- Family and Medical Leave Training Website:
 - Log in to DHS Learning Center
 - Click on "Courses & Registration" (on left side of screen)
 - Click on "Find a Course & Register"
 - Enter Keywords: "FMLA" – Search
 - Click on "Family and Medical Leave Act Training (C00236)

HRSD State Policy 60.000.15 Toolkit:

<http://www.oregon.gov/DAS/HR/fmla.shtml>

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Procedure History:

- **Version 2.0:**
 - 6-2-2009 - Adopted DAS policy
- **Version 1.0**
 - 9-25-2008 - Contact information amended
 - 2-15-2008 - Initial Release