

Expectations, Obligations, and Consequences **Requesting and Utilizing Family and Medical Leave (FMLA)**

- Familiarize yourself with your respective FMLA Policy on-line on the **METROWEB** under ‘Departments’ and then select ‘Absence Management’. Bi-State Development’s FMLA Policies, Department of Labor’s Right and Responsibility page, reporting requirements, and other pertinent information are available for your viewing.
- Taking time off solely for the purposes of having a medical certification form filled out by the attending health care provider is not FMLA protected. FMLA only covers in-person evaluations or assessments of a medical condition, or for receiving treatment or therapy related to the condition as prescribed.
- The employee is unconditionally responsible to ensure the *Signature Sheet* and the *Medical Leave Certification of Health Care Provider* forms are complete, sufficient, represents the facts about the request and received at Absence Management by the **15 calendar day date** indicated on the **Notice of Eligibility** form. Untimely, insufficient submission, or no submission of the *Medical Leave Certification form* shall delay or cause a denial of a leave request in part or in whole.
- The patient will have to sign a HIPAA release if the company elects to clarify or challenge a request for leave by conducting a review through an independent medical provider, or finds it necessary to send the patient to a 2nd and/or 3rd opinion. Patient (if employee) will also have to attend company scheduled medical reviews on their ‘own time’ since FMLA does not require the employer to schedule these types of appointments on company time. The employee will be responsible for the costs associated with any missed medical review appointments canceled within 72-hours [3 business days (Monday through Friday)] of the appointment time.
- Once FMLA has been initially claimed, it is the **employee’s responsibility to designate FMLA** whenever provisional or approved time off is taken for the leave reason. Reporting of FMLA events shall be through the normal and customary call-in procedure (QQuest) that Bi-State has established. Designating leave means to unequivocally claim an event as Family and Medical Leave when reporting off; stating “sick” does not trigger FMLA protection. Failure to comply with the proper designation of a leave will result in no job protection for the period of time claimed.
- Employer notification of a ‘foreseeable leave’ (e.g., hospitalization, surgery, doctor appointments, therapy, treatments, etc.) must be provided to your Manager or supervisor the same day you become aware of the event, or next calendar day, if extenuating conditions are such you cannot provide earlier notification. A lack of a prompt notification, absent extenuating circumstances, may result in a delay or denial of requested leave. Review FMLA policy on-line.
- Each notification by an employee of an ‘unforeseen leave’ shall be provided as soon as practicable under the circumstances, and within the time prescribed by the usual and customary notice requirements that Bi-State has established. Employees are ultimately responsible to know what the notification requirements are for requesting FMLA. Claiming FMLA protection days after the fact will not be acceptable and will not provide protection from the attendance policy. Review the FMLA policy on-line and/or attached reporting document.
- An employee is expected to schedule medical appointments related to approved conditions on their ‘own time’, and if the health care provider says it is not feasible, then at a time that will lessen the disruption to the department. **Employee must confer with their Manager or Supervisor** to mutually agree to a time that will work for the attending health care provider, Bi-State Development, and then the employee. ***Only the amount of time necessary to address the medical necessity of a qualified condition, under an approved leave, will be afforded FMLA protection.*** Failure to cooperate with the planning of appointments to minimize disruption for the department will be deemed as the employee not acting in good faith, possible denial of request and/or subject to the disciplinary process.
- The employee has sole responsibility to know when their leave period has ended based on the Designation notification(s) provided by the organization. Absences incurred outside of an approved leave period shall not be afforded FMLA protection and will be subject to Bi-State Development’s current attendance policy.
- It is expected that an employee will limit the amount of leave taken, for approved medical necessity, to within the constraints of the final medical judgment provided for of an intermittent leave. The employee will be required to provide additional documentation to support any absences beyond the final medical judgment. Failure to support excessive leave taken may result in the additional time not being job protected and subject to the attendance policy. Call Absence Management at (314-982-1597) if questions arise concerning the usage of Family and Medical Leave.
- **Dishonesty, deception and/or fraudulent** use of FMLA is not protected under the federal guidelines. Deceptive actions in connection with the FMLA process or usage of entitlement will be subject to disciplinary action up to and including immediate discharge in accordance with the rules and policies applicable to the particular employee.