MILITARY FAMILY HEALTH
FAMILY MEDICAL LEAVE ACT (FMLA)

BENEFITS DESIGN & MANAGEMENT
Sheree Barron, Director
Office of Human Resources
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### Purpose
This document outlines the basic information you will need to approve and process an employee’s request for the following type of leave:

**Military Family Member Health - FMLA**

### Objectives
After reading this guide, you will be able to determine an employee’s eligibility for leave and complete the appropriate leave paperwork.

### Overview
The forms required for leave administration have been designed to provide the mandated information required by ASU policy and/or federal regulations.

### Definition: Employee Eligibility

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<th>Classification</th>
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<tr>
<td>Faculty</td>
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<td>Academic Professional</td>
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<td>University Staff</td>
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<td>Classified Staff</td>
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<tr>
<td>Student Worker</td>
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<tr>
<td>Post Doctoral Scholar</td>
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<tr>
<td>Teaching Assistant</td>
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<td>Research Assistant</td>
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<thead>
<tr>
<th>Employment Type</th>
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<td>Long-Term Temporary</td>
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<td>Short-Term Temporary</td>
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<td>Seasonal</td>
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<tr>
<th>Working Hours</th>
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<td>Part-Time</td>
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<td>PRN</td>
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**Who has been employed for at least 12 months**
- Months need not be consecutive
- Employment prior to a break in service of seven (7) years or more should not be counted unless the employee was on active duty with the National Guard or Reserve or there was a written agreement that ASU intended to rehire the employee after the break in service.

**Who worked at least 1250 hours during the 12 months immediately prior to the requested leave date**
- Paid or unpaid leave plan hours do not count toward the accumulation
- Hours taken for National Guard or Reserve duty are counted toward the accumulation
- Hours worked as a Student Worker count toward the accumulation
- If an employee works multiple jobs, the hours are totaled and counted toward the accumulation
- If applicable, furlough hours do count towards the accumulation.
**Definition: Reason for Leave of Absence**

An employee is eligible for leave for the following reason:

To care for a spouse, child, parent, member of the established household, or next of kin who is a military servicemember or veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment and:

* Was suffered while on active duty in the armed forces, or
* Existed before the beginning of the member’s active duty and was aggravated by service, or
* Manifested before or after the member became a veteran.

**Definition: Duration and Type of Leave of Absence**

- Up to 26 weeks within a single 12-month period
  - The 12-month period begins the first day the leave begins and ends 12 months after that date
  - If spouses who are both employed by the university are requesting leave for the same event, they are entitled to a combined total of 26 workweeks

- A leave may be:
  - Taken continuously - in one single block of time
  - Taken intermittently - in separate blocks of time due to a single qualifying reason
  - Taken on a reduced schedule - reducing the employee’s number of work hours per workweek or per workday

In the case of either intermittent or reduced schedule leave, the following apply:

* The need for an intermittent or reduced schedule must be supported by medical documentation;
* The Disability & Leaves Program Management Unit must be notified in order to issue the Intermittent Leave Tracking Form for the department’s use.

**Definitions**

**Leave of Absence:**
A (paid or unpaid) employment category designating that an employee is in a non-work status.

**Leave Benefit Plan:**
A benefit (e.g. vacation, sick or parental leave benefit) that compensates the employee when he/she is absent from work.

**Spouse:**
A husband or wife as defined and recognized by Arizona law for purposes of marriage.

**Child:**
Biological, adopted, foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis. (No age restriction.)
**Parent:**
Biological, adoptive, step, or foster father or mother or anyone else who undertook the parental role.

**Member of Established Household:**
A person who shared your permanent residence prior to the requested leave and who is expected to continue to reside with you following the leave. ASU may require written verification to establish the relationship (e.g. the person's bank statement listing your address).

**Healthcare Provider:**
A state licensed doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse midwife, clinical social worker, physician assistant or Christian Science practitioner. Licensed health care providers in foreign countries are included.

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**Step 1 Determine Leave Process**

To effectively manage leaves, it is important to understand the process in your particular Dean or VP area.

**Centralized:**
One person, (e.g. a Department Leaves Representative, a BOM, a Data Time Administrator, or a HR Manager) handles all aspects of the process for your Dean or VP area.

**Decentralized:**
Each separate division (office, unit, department, or team) within your Dean or VP area handles the entire process for the employees in that particular section.

**Hybrid:**
The process is handled individually by each separate division but channeled through one main authority in your Dean or VP area.

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**Step 2 Receive or Issue Leave of Absence Request Form**

When the need for leave is foreseeable, an employee is required to give at least a 30-day written notice. If the leave is required due to a medical emergency or other unforeseeable event, the employee must provide as much notice as is practicable under the circumstances.

- Department receives Leave of Absence Request Form
- Department issues Leave of Absence Request Form

In the case of employee’s inability to complete the necessary paperwork, the department leaves representative should complete the form immediately upon determining the
employee will be absent longer than three (3) consecutive calendar days.

- Complete the Employee and/or Supervisor sections, as applicable
- Indicate date form issued to employee on copy and place in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.

- Fax copy to Disability & Leaves Program Management Unit at 480.993.0007

**LEAVE OF ABSENCE REQUEST FORM**

**EMPLOYEE COMPLETE/SUBMIT TO DEPARTMENT**

**Employee Name:**

**Employee 10-digit ID Number:**

**Requested Dates:** From: (first day of leave) To: (proposed return to work date)

**Reason:**

- Birth/Placement for Adoption or Foster Care/Bonding
  - Birth: Date of Birth:
  - Placement for Adoption: Date of Placement:
  - Placement for Foster Care: Date of Placement:
  - Bonding (Within one year): Date of Birth or Placement:

- Are you requesting Parental Leave benefit? □ Yes □ No
- Are you the: □ Mother □ Father □ Domestic Partner □ Other
- Is another ASU employee also requesting leave for this same event? □ Yes □ No

If Yes, Employee’s Name and ID Number:

**Within five (5) business days,** the department leaves representative must respond to the employee’s request by:

- Determining employee’s FMLA eligibility (See Step 3)
- Completing the department portion of the following forms,
- Issuing the following forms to the employee (in person, via email, US Mail)

  - FMLA Notice of Eligibility with Rights and Responsibility for Military Family Member Health
  - AND
  - FMLA Certification of Health Care Provider for Military Family Member’s Serious Health Condition
  - AND
  - Authorization For Release of Health Information

**Step 3 Determine Employee Eligibility for FMLA**

To be eligible for FMLA, the employee must:

1) Have been employed for at least 12 months AND
2) Have worked at least 1250 hours during the 12 months immediately prior to the requested leave date AND
3) Have not already exhausted his/her FMLA entitlement.
Eligibility Requirement #1
Verify that the person has been an Arizona University System (Arizona State University, Northern Arizona University, The University of Arizona or Arizona Board of Regents) employee for at least 12 months.

* Months do not need to be consecutive (e.g., three months in 2010 plus two years 2005-2006)
* Employment prior to a break in service of seven (7) years or more should not be counted unless the employee was on active duty with the National Guard or Reserve or there was a written agreement of intent to rehire the employee after the break in service.

In the Human Resources Information System (HRIS):
1) Go to Workforce Administration
2) Select the Job Data screen
3) Enter the employee’s 10-digit ID number - or - the employee’s first and last names
4) Select Include History
5) Click Search
6) You are now on the Work Location screen
7) Select Employment Data
8) You are now on the Employment Information screen
MILITARY FAMILY HEALTH
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9) Note the Original Start Date
10) Note the Last Start Date
11) If the Original Start Date and the Last Start Date are the same and are at least 12 months prior to the requested leave date, the employee has met the first part of the eligibility requirement.
12) The leaves representative should contact the department’s designated Leaves Management Partner if the Original Start Date and the Last Start Date:
   * Are the same but within 12 months of the requested leave date, or
   * Are different.

If the person is a transfer employee within the Arizona University System, please contact your department’s Leaves Management Partner for assistance in determining eligibility for this first requirement.

GET ASSISTANCE
Your Leaves Management Partner
cfo.asu.edu/hr-benefitspartners
call internal extension 2-1748 or
e-mail HR_Disability@asu.edu.

At this point, if the employee is not eligible for FMLA, the department may choose to offer Extended Leave of Absence (staff), Health Related Leave with Pay (faculty/sick) or Leave of Absence without Pay (faculty).

End-User Document Overview For ASU Leave: Family Health (Non-FMLA).

Eligibility Requirement #2
Verify that the employee has worked at least 1250 hours during the 12 months immediately prior to the requested leave date.

- Unpaid hours off do not count
- Paid time off under a leave benefits plan (e.g., sick, vacation or holiday) do not count
- Hours taken for National Guard or Reserve duty do count
- Hours worked as a student worker do count
- Furlough hours do count
- If an employee works multiple jobs, worked hours are added together and all do count

The Scheduled Leave Planning Report on the dashboard is used:
1) Go to www.asu.edu/dashboard/
2) Select Human Resources on the left sidebar menu
3) Log in
4) Select Scheduled Leave Planning, on the left side bar menu
5) In the Search By box, select Employee ID - or - Employee Name
6) Enter the employee 10-digit ID number - or - employee name in the box to the right
7) In the Leave Type box, select ALL
8) In the Approval Type box, select ALL
9) In the Plans To Work box, select ALL
10) In the From box, enter the date one year prior to the requested leave date
11) In the To box, enter today’s date
12) Click Go
13) If you entered the employee’s name (rather than ID), a menu will appear listing all employees with the identical name; click on your employee’s name

14) The report will show either:
   1) All hours (worked and non-worked) for a non-exempt employee, or
   2) All exception hours for an exempt employee
15) Export the report to Excel by clicking on the icon

In the Excel spreadsheet:
➢ For a hourly (non-exempt) employee:
1) Delete all exception hour rows (e.g. Vacation, Sick, Holiday)
2) Total the number of remaining Regular and Furlough hours

➢ For a salaried (exempt) employee:
1) Total the number of exception hours
2) Determine the employee’s annual scheduled work hours
   a) Go to Workforce Administration
   b) Select the Job Data screen
   c) Enter the employee’s 10-digit ID number - or - the employee's first and last names
   d) Select Include History
   e) Click Search
   f) Click the Job Information tab along the top
   g) You are now on the Job Information screen

h) Note the Standard Hours
i) Multiply the Standard Hours by 52 (weeks)
3) Subtract the exception hours from the employee’s annual Standard Hours

If the total number of worked hours is at least 1250, the employee has met the second part of the eligibility requirement.

If the person is a transfer employee from the Arizona University System, please contact your department's Leaves Management Partner for assistance in determining eligibility for this second requirement.
At this point, if the employee is not eligible for FMLA, the department may choose to offer Extended Leave of Absence (staff), Health Related Leave with Pay (faculty/sick) or Leave of Absence without Pay (faculty).

Eligibility Requirement #3
Determine the amount of FMLA leave the employee has already taken, if any, since the last anniversary month. The anniversary month is the month designated in the Last Start Date (See Eligibility Requirement #1).

To search for prior FMLA usage, in HRIS:
1) Go to Workforce Administration
2) Select the Job Data screen
3) Enter the employee’s 10-digit ID number - or - the employee’s first and last names
4) Select Include History
5) Click Search
6) You are now on the Work Location screen
7) Click on the arrow to the left of the word Last
8) Continue to click the arrow while searching for a Return from Leave in the Action field

**REMEMBER** – You need only go back as far as the last anniversary date
9) If there is a Return from Leave action, note the effective date
10) Continue to click the arrow to search for the Un/Paid Leave of Absence in the Action field.
11) Note the effective date
12) Count the number of days between the effective dates and divide by 7 to calculate the number of weeks and days the employee has already used
13) Determine if the employee has had any Intermittent Leave usage during this period by referring to the employee’s department leave file. Count the actual number of work hours missed and divide by 8 to calculate the number of days already used.

Subtract the amount of FMLA time already taken since the last anniversary date from the 12-week entitlement to determine how many weeks the employee has remaining to use.

If the person is a transfer employee from the Arizona University System, please contact your department's Leaves Management Partner for assistance in determining eligibility for this second requirement.

At this point, if the employee is not eligible for FMLA, the department may choose to offer Extended Leave of Absence (staff), Health Related Leave with Pay (faculty/sick), or Leave of Absence without Pay (faculty).

End-User Document Overview For ASU Leave: Family Health (Non-FMLA).

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**Step 4  Issue the FMLA Notice of Eligibility with Rights & Responsibility for Military Family Member Health (PDF)**

This is the first notice to be given to the employee upon receipt (or issuance) of a leave request. This notice gives *conditional leave approval*, information about the employee’s eligibility for FMLA leave, details the employee’s specific responsibilities and explains any consequences for the employee failing to meet those responsibilities.

- Complete, as applicable
- Mail to the employee along with the appropriate supplemental forms (See Steps 5 and 6)
- Indicate date form issued to employee on copy and place in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.
Step 5 Include the FMLA Certification of Health Care Provider for Military Family Member's Serious Health Condition (PDF)

This form provided to the employee requests the necessary qualifying medical information from the family member's health care provider to substantiate the need for leave. If the employee does not provide this completed certification, ASU has the right to deny the requested leave.

This form should be completed by the health care provider 30-45 days prior to the beginning of the leave. If the form is completed earlier and it becomes necessary to change the leave date, a second documentation may be required.

- Complete the department's information
- You must allow the employee at least 15 calendar days to return the certification
- Mail to the employee with the Notice of Eligibility (See Step 4)
- Instruct the employee to complete Section I
- Instruct the employee to give entire form to the health care provider, asking him/her to complete Section II and to return the form, as indicated
- Indicate date form issued to employee on copy and place in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.

- Fax copy to the Disability & Leaves Program Management Unit at 480.993.0007
Step 6 Include the Authorization for Release of Health Information (PDF)

This form provides health care provider(s) with the employee's authorization to discuss protected medical information with ASU. While authorization is not mandated by FMLA law, most health care providers require it. OHR recommends that the department have the employee complete the form prior to the leave rather than wait until its use may be necessary.

- Mail to the employee with the Notice of Eligibility (See Step 4)
- Request the employee complete the form and return to department leaves representative
- Indicate date form issued to employee and place a copy in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.

- Fax copy to the Disability & Leaves Program Management Unit at 480.993.0007
Step 7 Authenticate or Clarify Certification of Health Care Provider

If the employee submits a complete and sufficient certification, no additional information may be requested from the health care provider.

If the certification is considered either incomplete or insufficient, the employee must be notified, via the Designation Form, and given (7) calendar days to cure any deficiency. (A certification is considered incomplete if an item is not filled in; it is considered insufficient if the information is vague, ambiguous or nonresponsive.)

If it is necessary to either clarify and/or authenticate the certification, the department leaves representative may contact the provider. Authentication means providing the health care provider with a copy of the certification and requesting verification that the information is complete and authorized by the provider who signed it. Clarification means a need to understand the handwriting on the certification or the meaning of a response.

**IMPORTANT NOTE:** Contact with the health care provider by the employee’s direct supervisor is prohibited by FMLA law.

Step 8 Issue the FMLA Designation Notice for Military Family Member Health **(PDF)**

After the department has received and reviewed the FMLA Certification of Health Care Provider, the Designation Notice is provided to advise the employee if the FMLA leave has been approved or denied, or if additional information is needed.

- Complete and mail to the employee within five (5) business days of receipt of certification
Indicate date form issued to employee on copy and place in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.

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**FMLA LEAVE DESIGNATION NOTICE**

**MILITARY FAMILY MEMBER HEALTH**

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<thead>
<tr>
<th>DATE: __________________________</th>
<th>Employee 10-digit ID: ____________</th>
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<tbody>
<tr>
<td>TO:</td>
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<td>FROM:</td>
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<tr>
<td>College or Department Name</td>
<td>College or Department Number</td>
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<tr>
<td>FAX THIS FORM TO: HR DISABILITY &amp; LEAVES PROGRAM MANAGEMENT UNIT AT 480.993.0007</td>
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</table>

Dear [Name],

We have reviewed your request for leave under the Family and Medical Leave Act (FMLA) and any supporting documentation that you have provided. We received your most recent information on [Date] and determined:

[Decision]

Fax to Disability & Leaves Program Management Unit at 480.993.0007

**Step 9 Issue the Leave of Absence Status Change Form (PDF)**

- Issue form **in the pay period** any of the following occurs:
  - The duration of leave period changes
  - The type of leave changes
  - The pay status changes
  - The employee returns to work

- Fax to Disability & Leaves Program Management Unit at 480.993.0007
- Indicate date faxed and place in employee’s leave file

**IMPORTANT:** Confidential leave and medical information must be kept in a secured and separate file from the department personnel files. Departments will be audited periodically to ensure compliance.
Time Reporting, Intermittent Leave and Compassionate Transfer of Leave

**TIME REPORTING**
The employee should already have completed the Request for Time Off form (or used the department’s alternative request process) and the leave should be approved. The department leaves representative or department time administrator is then responsible for recording an employee’s leave hours while the employee is absent from work on FMLA.

To record time in HRIS, go to:
1. Manager Self Service
2. Time Management
3. Report Time
4. Timesheet
5. Click: Get Employees
6. Select employee
7. View By: Time Period
8. On a daily basis, enter the number of hours of eligible time:
### MILITARY FAMILY HEALTH
FAMILY MEDICAL LEAVE ACT (FMLA)

**Description** | **Pay Code** | **Details**
--- | --- | ---
Sick, Paid | SCK (salaried) SCP (hourly) | An employee may use accrued sick time to remain in a paid status.
Compensatory Time, Paid | CTH (hourly) | An hourly employee may use compensatory time to remain in a paid status.
Vacation, Paid | VAC (salaried) VAH (hourly) | An employee may use accrued vacation time to remain in a paid status.
Unpaid Sick | USS (salaried) USH (hourly) | Use only when an employee has both paid and unpaid time in the same pay period (e.g. 50 hours VAC and 30 hours USS)

(Because the employee is still in an Active (paid) status, a salaried employee would continue to be paid full salary if the unpaid sick code is not used.)

If an employee has NO paid hours available in a pay period, issue the LOA Status Change Form and report no hours.

**INTERMITTENT LEAVE**
Upon notification that an employee will be using Intermittent Leave, the Disability & Leaves Program Management Unit will send to the department leaves representative a form designed to assist the department in tracking the employee’s time.
COMPASSIONATE TRANSFER OF LEAVE (CTL)
When it is apparent that the employee will be eligible for CTL, the department leaves representative should submit the following budgetary approved items to the department's designated Leaves Management Partner by confidential e-fax at 480.993.0007:
1) The Request for Donated Hours, and
2) The CTL Request Memo, and
3) Any applicable medical certification.

The Leaves Management Partner will notify the supervisor if the CTL has been approved.

If CTL is approved, the Leave of Absence Status Change Form must be issued (if not already issued) placing the employee on unpaid leave.

More Information

Contact
OHR Benefits Design and Management
Disability and Leaves Program Management Unit

For Department Use Only
Your Leaves Management Partner
/cfo.asu.edu/hr-benefitspartners.

Call 2-1748 or
e-mail HR_Disability@asu.edu.
# Process Checklist

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<th>Step</th>
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<td>1</td>
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<td>5</td>
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<td>9</td>
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**Forms and Policy References**

#### ACD POLICIES
- 702-02 Health Related Leave
- 702-03 Family Leave
- 704-02 Vacation Leave-Fiscal Year Appt
- 70-4-03 Compassionate Transfer of Leave
- 707 Leave of Absence Without Pay

#### SPP POLICIES
- 404-04 Overtime
- 701-01 Sick Leave
- 702-01 Vacation Leave
- 702-04 Compassionate Transfer of Leave
- 705-01 Extended Leave of Absence
- 705-02 Family Leave

#### FORMS
**Generic to all leaves**
- Leave of Absence Request Form
- Authorization for Release of Health Care Information
- Leave of Absence Status Change Form

**Specific to Military Family Member Health**
- Notice of Eligibility with Rights, & Responsibility (FMLA)
- Certification of Health Care Provider (FMLA)
- Designation Notice (FMLA)