

A Manager's Guide to Workforce Absence Management

Common extended leave scenarios to help HR managers understand and handle absence requests



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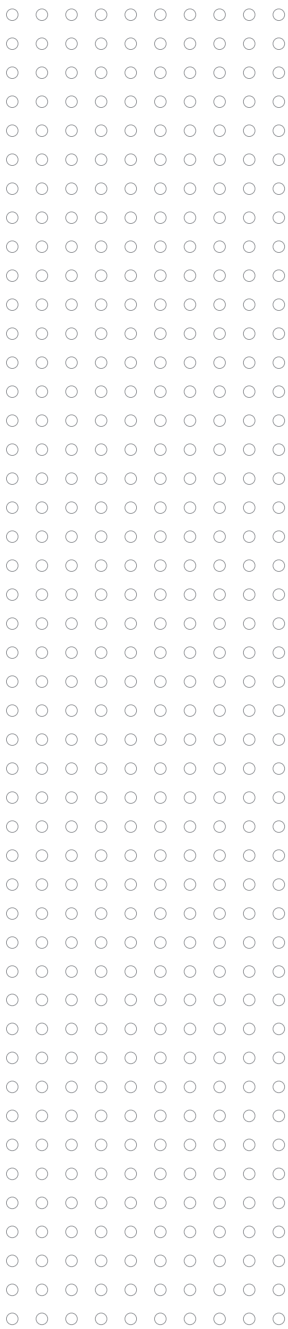
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A MANAGER’S GUIDE: SAMPLE SCENARIOS PROVIDE GUIDANCE TO HANDLING LEAVE REQUESTS

Properly managing leave of absence requests requires an understanding of eligibility, duration and state laws. Without the proper training and understanding, managers may find themselves in difficult situations with employees and vendors that involve such sensitive topics as race, gender and religion, resulting in an increase in the number of lawsuits filed against employers alleging discrimination, harassment and retaliation. These claims are among the most costly and time-consuming an employer and law practice may face.

Today, it’s imperative to have a Workplace Absence Management handbook and ensure that all managers understand the basics of leave administration. The best leave of absence practices balance employee benefits while maintaining legal obligations. By implementing a Workplace Absence Management program, employers can reduce chronic absenteeism and streamline the process for employees who are experiencing out-of-the-ordinary circumstances to take time off. Common reasons for leaves include childbirth, adoption/foster care, military obligation, caring for an ill family member and serious health conditions. In addition to local, state and federal laws, employers can supplement their legal obligations with voluntary leave policies as a recruitment and engagement tool.

Absences planned or unplanned are going to occur. Even the best employee will miss work at some point. Companies can’t prevent this, but they can prepare to ensure that they have the right processes in place when they do.



My staff is like family. Do I really need to be concerned about this issue?

The short answer is yes:

- As the fifth-largest insurance broker in the world, HUB International can attest that employment practices liability claims have surpassed claims from all other lines of business coverage.
- It's not just employees that businesses need to worry about. Vendors — such as delivery drivers and repair persons — and clients can be impacted absences.
- According to a recent report by the Society of Human Resources Management, the average cost of defending and settling an employment claim is \$160,000, a crippling figure for small- and medium-sized businesses to absorb.

What can be done?

Educate and train your managers. They should know:

- How leave laws interact with one another.
- When leave is needed.
- How requests are handled.

This playbook provides common scenarios that businesses may encounter to demonstrate what managers should be aware of, who should handle the leave request and how leave benefits work. For employers who outsource their leave administration, there may be additional steps in which the leave provider is contacted.

Maternity Leave: Eligible for FMLA

THE SCENARIO: An employee tells her manager that she is pregnant and will need maternity leave.

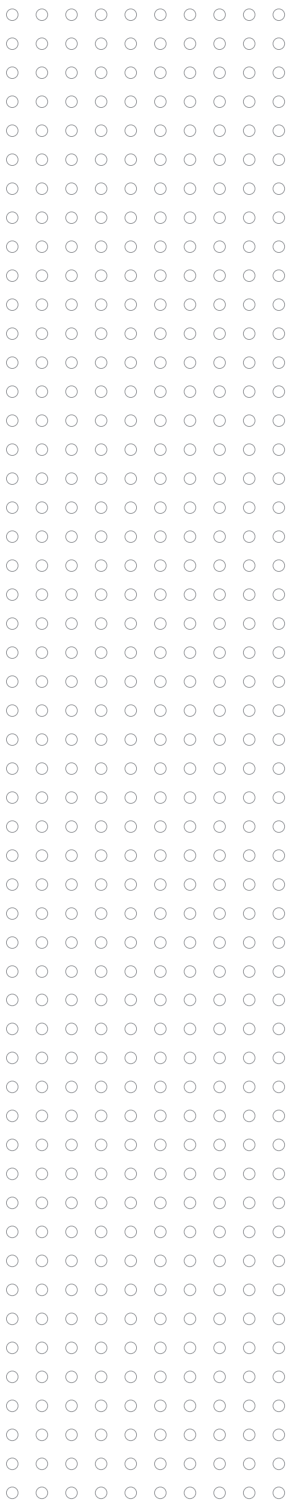
The manager must know that:

- Under the Federal Pregnancy Discrimination Act (PDA), employers cannot treat pregnant employees any different than other employees.
- The Pregnant Workers Fairness Act requires employers to provide accommodations to employees who are pregnant with similar protection as offered under ADA.
- The law is part of Title VII and is overseen by the Equal Employment Opportunity Commission (EEOC).
- All states also have laws that ban discrimination of pregnant employees.
- Many states also have laws regarding post-pregnancy concerns, such as lactation support.

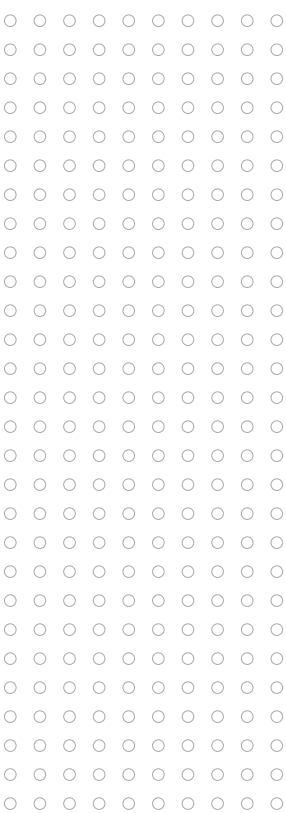
The following scenario describes how a properly managed request should be handled. (Please note this is subject to change depending on the state law at the time of request.)

Once the manager becomes aware of an employee’s pregnancy, the manager may congratulate the employee privately as she may not want her co-workers to know yet. The manager should contact human resources so they can begin providing information about benefits eligible to the employee while on maternity leave. An employee doesn’t need to specifically request leave; she merely needs to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources.

In this scenario, the employer determines leave eligibility under the Family Medical Leave Act (FMLA) and/or any similar state leave laws. The employee also may be eligible for income benefits from the company-sponsored Paid Parental Leave (PPL) benefit. The employee also should be advised how to



contact the company’s Short-Term Disability (STD) provider. The disability plan has a 14-day elimination period (EP), which means payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. Managers should not attempt to calculate the employee’s benefits for her.



The amount of time an employee will be on maternity leave depends on the state in which she is located and the type of delivery. If the employee has a vaginal delivery, she will be eligible for four weeks of payment under STD or six weeks if she has a C-section, following a two-week elimination period during which Paid Time Off (PTO) can be used. In addition, certain states have statutory disability benefits that can run concurrently with the STD program that have shorter elimination periods.

This is how benefits can overlap for these two options. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the following example. They are only provided as sample illustrations to aid in understanding and should not be shared with employees as specific circumstances and state laws may differ.

Vaginal Delivery Benefit	1	2	3	4	5	6	7	8	9	10	11	12
FMLA	Maternity Period						Bonding Period					
Short-Term Disability	EP		60% of pay up to weekly maximum									
Leave FPTO	100% of pay											
C-Section Benefit	1	2	3	4	5	6	7	8	9	10	11	12
FMLA	Maternity Period								Bonding Period			
Short-Term Disability	EP		60% of pay up to weekly maximum									
Leave FPTO	100% of pay											



Maternity Leave: Not Eligible for FMLA

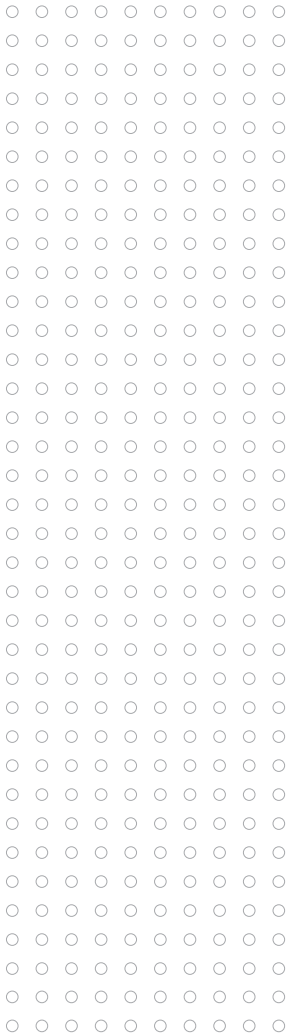
THE SCENARIO: An employee tells her manager that she is pregnant and will need maternity leave.

In this scenario, the company checks the employee’s eligibility and determines she is not eligible for leave under FMLA and/or any state leave laws.

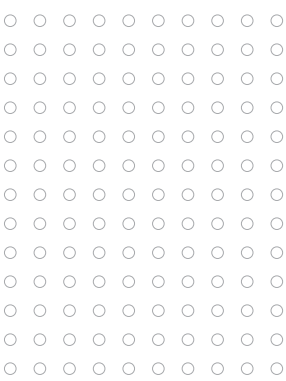
However, the employee is eligible for Short-Term Disability (STD) and also may be eligible for statutory disability benefits depending on the state in which she works. The disability plan has a 14-day elimination period (EP), which means payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. The manager should not attempt to calculate the employee’s benefits for her.

Because FMLA does not apply, she would be eligible for a company personal leave that is unpaid. It would cover only the maternity period and not the bonding portion of the maternity leave.

The amount of time an employee will be on maternity leave depends on the state in which she is located and the type of delivery she has. If the employee has a vaginal delivery, she will be eligible for four weeks of payment under



STD or six weeks for a C-section, following a two-week elimination period during which Paid Time Off (PTO) can be used. In addition, certain states have statutory disability benefits that can run concurrently with the STD program that have shorter elimination periods.



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Vaginal Delivery Benefit	1	2	3	4	5	6	7	8
Short-Term Disability	EP		60% of pay up to weekly maximum					
Paid Time Off	100% of pay							
Personal Leave	Personal Leave							
C-Section Benefit	1	2	3	4	5	6	7	8
Short-Term Disability	EP		60% of pay up to weekly maximum					
Paid Time Off	100% of pay							
Personal Leave	Personal Leave							

Non-Occupational Illness/Injury: Eligible for FMLA

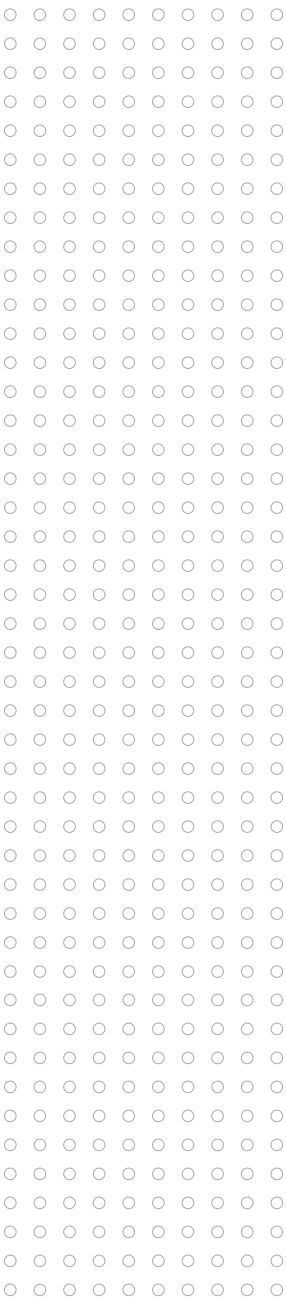
Employees can be eligible for leave and disability benefits for non-occupational injuries or illnesses. These are injuries/illnesses that occur away from work and during non-working hours. Employees who are injured or become ill as a result of their job during working hours may be eligible for workers' compensation (WC), but the following will focus on non-occupational conditions.

THE SCENARIO: An employee advises his manager that he is having surgery and will be unable to work for eight weeks.

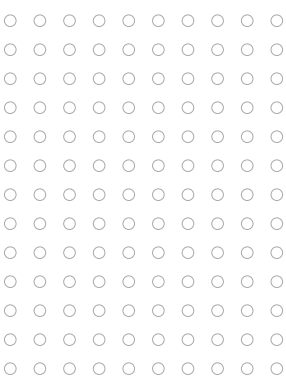
The manager must reach out to human resources so they can begin providing information about eligible benefits the employee may have while on leave. Remember, employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the leave need. Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if he is eligible for leave or not. In addition, the manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager's behalf.

In this scenario, the company checks his eligibility and determines he is eligible for leave under FMLA and for Short-Term Disability (STD) benefits. The disability plan has a 14-day (two week) elimination period (EP), which



means the payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. The manager should not attempt to calculate the employee’s benefits for him.



This is how benefits can overlap for these two options. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the following example. They are only provided as sample illustrations to aid in understanding and should not be shared with employees as specific circumstances and state laws may differ.

Employee's Own Health Condition	1	2	3	4	5	6	7	8
FMLA	Own Health Condition							
Short-Term Disability	EP		60% of pay up to weekly maximum					
Paid Time Off	100% of pay							

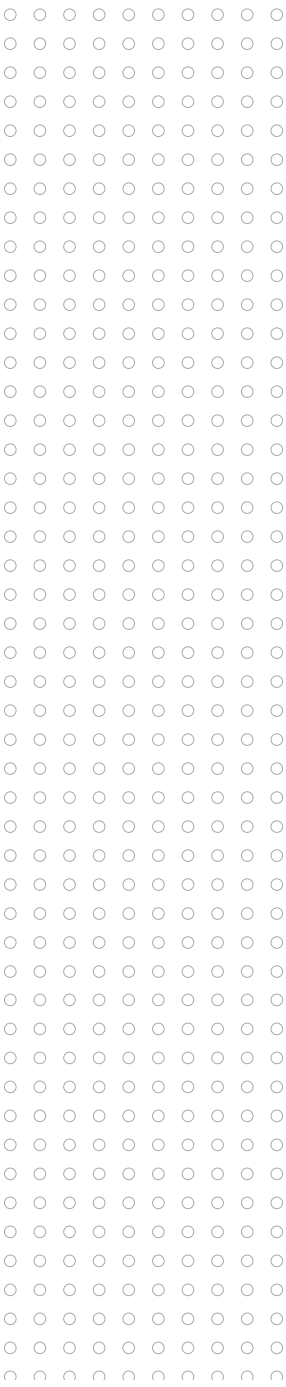
Non-Occupational Illness/Injury: Not Eligible for FMLA

THE SCENARIO: An employee advises his manager that he is having surgery and will need to be off work for 10 weeks. The manager must contact human resources so they can begin providing information about benefits the employee may be eligible while on leave.

Again, employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager will need to contact human resources. The manager should not attempt to advise the employee if he is eligible for leave or not. In addition, the manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.

In this scenario, when the company checked the employee’s benefit, it found that the employee is not eligible for FMLA and/or any state leave benefits, but is eligible for Short-Term Disability. The disability plan has a 14-day elimination period (EP), which means the payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. Again, the manager should not attempt to calculate the employee’s benefits for him.

In this situation, the employee may be eligible for a reasonable accommodation under the American with Disabilities Act (ADA) for additional leave time. Human resources will work with the employee to determine if additional leave time is warranted and reasonable.



This is how benefits can overlap for this scenario. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the following example. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as specific circumstances and state laws may differ.



Employee's Own Health Condition	1	2	3	4	5	6	7	8	9	10
Short-Term Disability	EP		60% of pay up to weekly maximum							
Paid Time Off	100% of pay									
Personal Leave	Personal Leave									
ADA									Client will determine if an additional two weeks of leave can be provided as a reasonable accommodation	

Workers' Compensation: Eligible for FMLA

THE SCENARIO: A manager returns from a 2-week vacation and receives notice that one of his employees has been injured at work. Employees who are injured or become ill during their working hours may be eligible for workers' compensation (WC). This type of leave could be simultaneous with FMLA if the eligibility requirements are met.

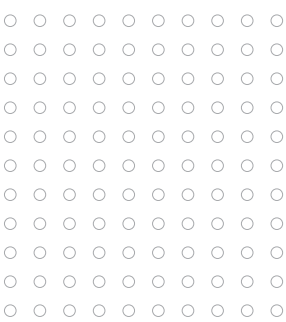
The manager must know that:

- Ensure the employee has appropriate care whether medical attention is needed or not.
- Contact the company's Human Resources Department immediately.
- Follow any protocol for documenting workers' compensation incidents.

Reporting the incident enables the employee to qualify for coverage as soon as possible. Late reporting may result in the employee's delay or denial of benefits.

In this scenario, the company will determine if the employee is eligible for leave under Family Medical Leave Act (FMLA) and/or any similar state leave laws. The manager should not attempt to advise the employee on eligibility. Human resources will provide information about the benefits the employee may be eligible to receive while on workers' compensation leave. In addition, the

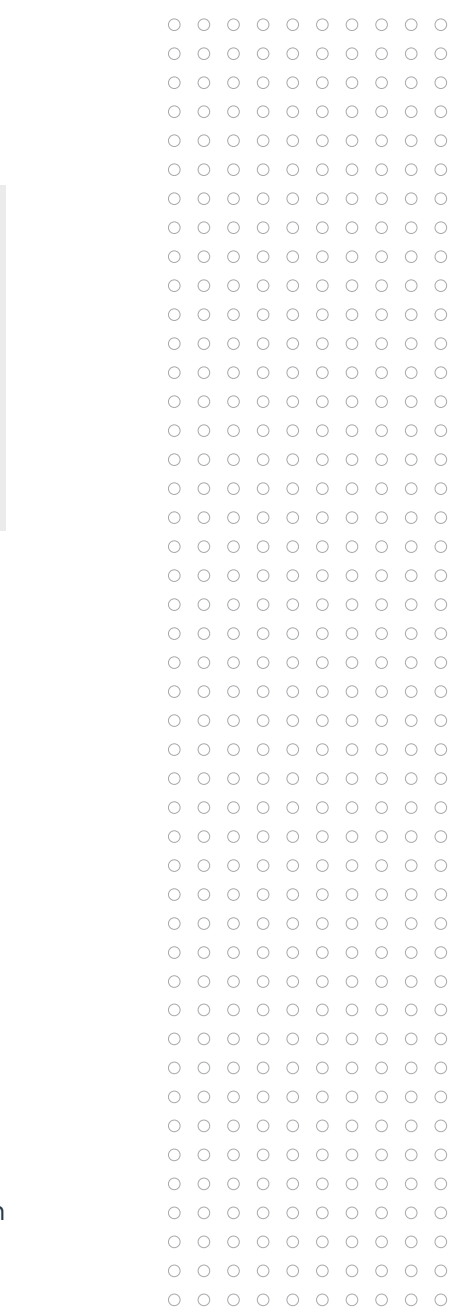
manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the following example. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as specific circumstances and state laws may differ.

Employee’s Own Health Condition	1	2	3	4	5	6	7	8	9	10	11	12
FMLA	Own Condition											
Paid Time Off	100% of pay											
Workers’ Comp	EP determined by state		Workers’ pay determined by state									

Workers' Compensation: Not Eligible for FMLA



THE SCENARIO: A manager receives notice that one of his employees has been injured at work. The manager knows the employee has been working for only four months and would not be eligible for FMLA. However, the manager knows that employees who are injured or become ill during their working hours may be eligible for workers' compensation (WC).

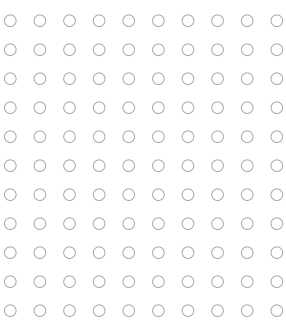
The manager must know that:

- Ensure your employee has appropriate care whether medical attention is needed or not.
- Contact your Human Resources department immediately.
- Follow any protocol for documenting workers' compensation incidents.

Reporting the incident enables the employee to qualify for coverage as soon as possible. Late reporting may result in the employee's denial of benefits.

The manager should not attempt to advise the employee if he is eligible for leave or not. The company will need to determine if the employee is eligible for leave under the Family Medical Leave Act (FMLA) and/or any similar state leave laws. Human resources will provide information about the benefits the employee may be eligible to receive while on workers' compensation leave. In addition, the manager should not attempt to determine when the employee can return to work as this could be considered interference under state leave laws. Human resources will have those conversations on the manager's behalf.

Human resources will check the employee’s eligibility. If HR determines the person is not eligible for leave under FMLA and the company has a personal leave program, it may be used at the company’s discretion.



Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Employee's Own Health Condition	1	2	3	4	5	6	7	8	9
Personal Leave	Personal Leave								
Workers Compensation	EB **State Dependent		State to determine benefit amount						
Leave PTO	100% of pay		PTO top off allowed for 100% wages (if applicable per employer policy)						
ADA								Client will determine if an additional 3 weeks of leave can be provided as a reasonable accommodation.	

Military Exigency (Routine Childcare): Eligible for FMLA

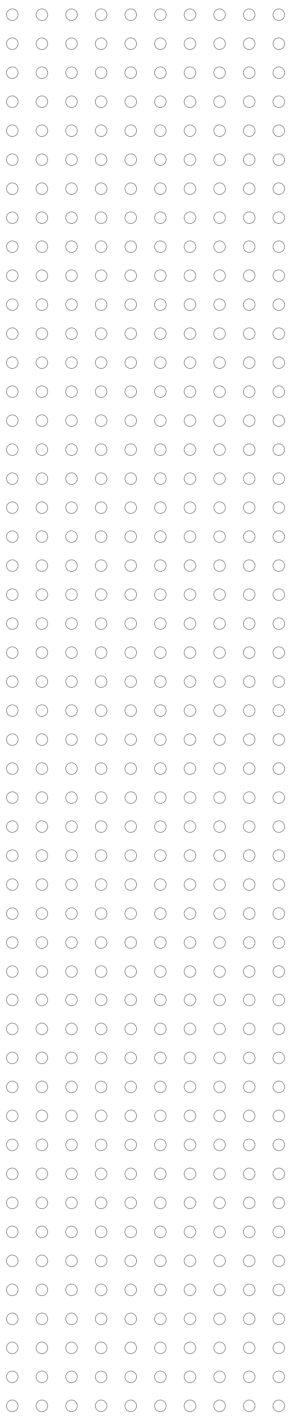
THE SCENARIO: An employee mentions his spouse has received orders on short notice about a six-month military assignment and will be deployed overseas in less than a week. His spouse cares for their two children while he works. He informs his manager that he having trouble finding a daycare center that can accommodate his autistic son. He requests a maximum leave of two weeks to find the appropriate daycare center.

The manager must know that:

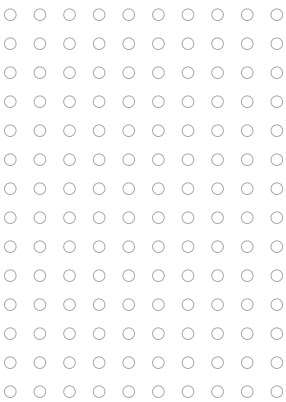
- Military exigency is specifically for individuals who receive deployment within seven or less days' notice.
- This type of leave is used for specific reasons, which include making financial and legal arrangements, attending counseling and military events, and providing rest and recuperation.
- The leave can be used for childcare, specifically for arranging alternative childcare, providing non-routine childcare, enrolling or transferring a child to a new school, or attending specific meetings.

The manager should reach out to human resources so they can begin providing information about the benefits the employee may be eligible to receive while on military exigency leave. Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if he is eligible for leave or not. In addition, the manager should not attempt to determine when



the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



In this scenario, the company checks his eligibility and determines he is eligible for leave under FMLA and/or any similar state leave laws.

Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Military Exigency	1	2
FMLA	Military Exigency Reasons	
Paid Time Off	100% of pay	



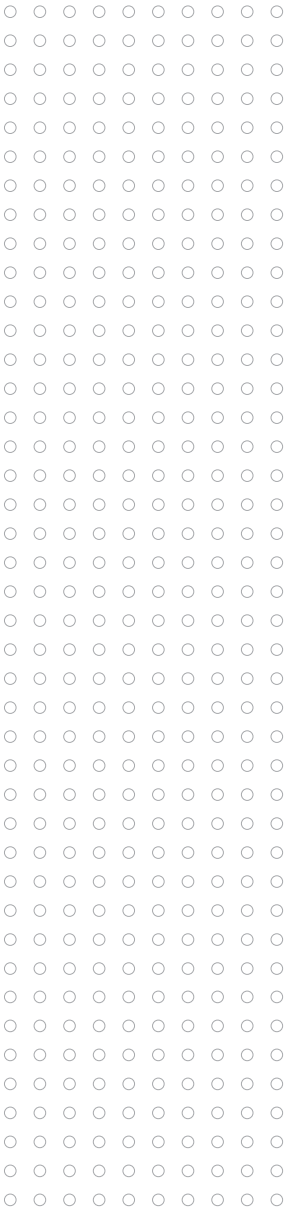
Military Exigency (Military Therapy): Eligible for FMLA

THE SCENARIO: An employee mentions that her military spouse has been involved in a deployment incident. She says her spouse’s submarine has hit an underwater volcano, causing serious injuries. The military is requiring the fleet to immediately return to its U.S. base. Upon return, all crew members and their families are required to attend family therapy for three weeks. The manager is unsure if the information she provided would qualify under the FMLA military exigency.

The manager will need to know that military exigency is utilized for specific reasons, such as:

- Making financial and legal arrangements.
- Attending counseling sessions.
- Attending military events.
- Enabling rest and recuperation.

The manager should reach out to human resources so that they can begin to provide information about the benefits that may be eligible to the employee while on FMLA leave. Remember, employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave.

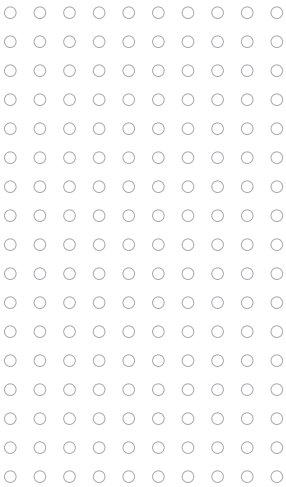


Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if she is eligible for leave or not. In addition, the manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.

In this scenario, the company checks her eligibility and determines she is eligible for leave under FMLA and/or any similar state leave laws.

Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample



Military Exigency	1	2	3
FMLA	Military Exigency Reasons		
Paid Time Off	100% of pay		

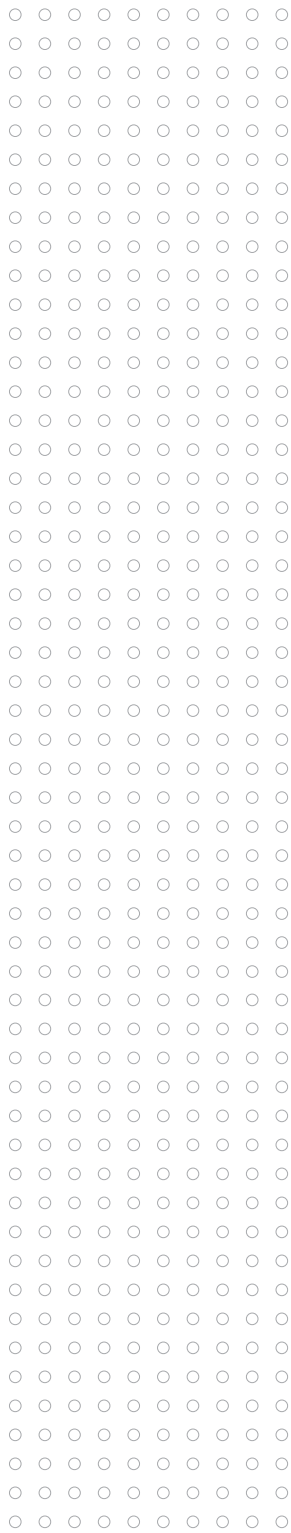
Intermittent FMLA: Eligible for FMLA

THE SCENARIO: An employee currently on an intermittent FMLA leave informs his manager that his chronic health condition is getting worse. The manager needs to be aware that the employee is subtly saying there may be a significant change in the number of days off for his serious medical condition. The manager reviews the employee’s absence calendar and notices he is not showing any intermittent patterns. However, over the last three consecutive months (e.g., January, February and March), his absences from work have gradually increased than in prior months. The information from the employee and the absence calendar could be the basis for a recertification.

The manager knows that an FMLA recertification can be requested every 30 days in connection with an absence by the employee for the FMLA qualifying reason. If the medical certification indicates the minimum duration is more than 30 days, recertification may not be requested until that duration expires.

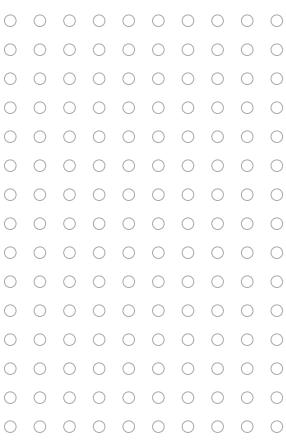
There are exceptions to the general rule:

1. Recertification can be requested every 6 months in connection with an absence for the FMLA qualifying reason (even if the minimum duration is more than six months).
2. Recertification can be requested in less than 30 days if:
 - a. The employee requests an extension of the leave.
 - b. Circumstances indicated in the certification “changed significantly” (e.g.: intermittent, unforeseeable absences routinely occur in connection with other time off).
 - c. The employee receives information that casts doubt on the employee’s stated reason for an absence or the continuing validity of the certification.



The manager should contact human resources so they can review and determine if recertification is required or not. Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if he is eligible for recertification. In addition, the manager should not attempt to determine the days an employee is able to utilize leave as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



January						
M	T	W	T	F	S	S
						1
2	3	4	5 absent	6	7	8
9	10	11 absent	12	13	14	15
16	17	18	19	20 absent	21	22
23	24 absent	25	26	27	28	29

February						
M	T	W	T	F	S	S
1	2	3 absent	4	5	6	7
8	9 absent	10	11	12 absent	13	14
15 absent	16	17	18	19	20	21
22	23	24	25 absent	26	27	28

March						
M	T	W	T	F	S	S
1 absent	2	3	4	5	6	7
8	9 absent	10	11 absent	12	13	14
15 absent	16	17 absent	18	19 absent	20	21
22	23	24 absent	25	26	27	28
29 absent	30	31				

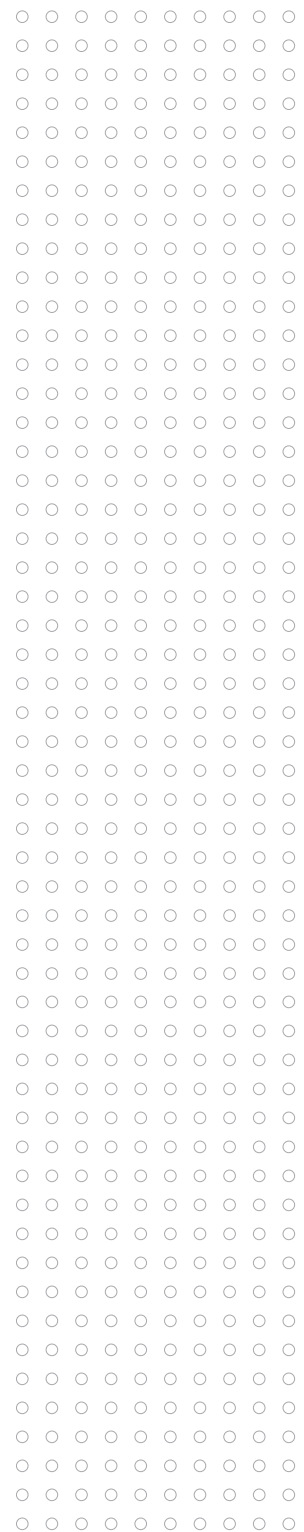
Pattern Intermittent FMLA: Eligible for FMLA

THE SCENARIO: A manager is reviewing the monthly absence calendars and notices one of her employees currently on an approved intermittent episode leave is missing the same days from work in January, February and March. The days coincide with the weekends and other concert or sporting events. As a manager, she needs to be aware of several things. Under FMLA, there is a general rule for recertification. It can be requested every 30 days in connection with and absence by the employee for the FMLA qualifying reason. If the medical certification indicates the minimum duration is more than 30 days, recertification may not be requested until that duration expires.

The manager knows that an FMLA recertification can be requested every 30 days in connection with and absence by the employee for the FMLA qualifying reason. If the medical certification indicates the minimum duration is more than 30 days, recertification may not be requested until that duration expires.

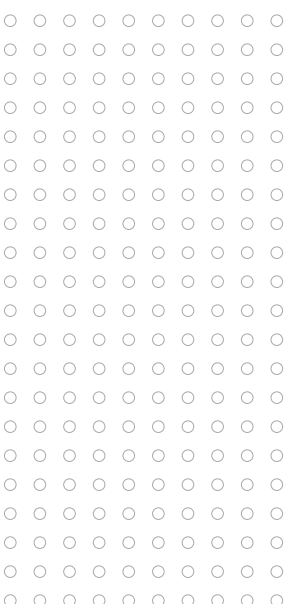
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1. Recertification can be requested every 6 months in connection with an absence for the FMLA qualifying reason (even if the minimum duration is more than six months).
2. Recertification can be requested in less than 30 days if:
 - a. The employee requests an extension of the leave.
 - b. Circumstances indicated in the certification “changed significantly” (e.g.: intermittent, unforeseeable absences routinely occur in connection with other time off).
 - c. The employee receives information that casts doubt on the employee’s stated reason for an absence or the continuing validity of the certification.



The manager should contact human resources so they can connect with the employee regarding the intermittent usage along with providing information of a possible recertification. Since FMLA is involved, the manager should not confront the employee and allow HR to have the appropriate conversations as time under FMLA is job-protected. If a pattern of absences is detected, human resources or the appropriate leadership will determine if recertification is warranted.

Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources. The manager should not attempt to determine the days an employee is able to utilize leave as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



January						
M	T	W	T	F	S	S
						1
2 absent	3	4	5	6 absent	7	8
9 absent	10	11 absent	12	13 absent	14	15
16 absent	17	18	19	20 absent	21	22
23 absent	24	25	26	27 absent	28	29

February						
M	T	W	T	F	S	S
1 absent	2	3	4	5 absent	6	7
8 absent	9	10	11	12 absent	13	14
15 absent	16	17 absent	18	19 absent	20	21
22 absent	23	24	25	26 absent	27	28

March						
M	T	W	T	F	S	S
1 absent	2	3	4	5 absent	6	7
8 absent	9	10 absent	11	12 absent	13	14
15 absent	16	17	18	19 absent	20	21
22 absent	23	24 absent	25	26 absent	27	28
29 absent	30	31				

Adoption Care: Eligible for FMLA

THE SCENARIO: An employee mentions that he and his wife are in the process of adopting a child and will be traveling overseas for four weeks to meet with the adoption agency and, most importantly, their new baby. After that, they would like some additional time to acclimate to their new child.

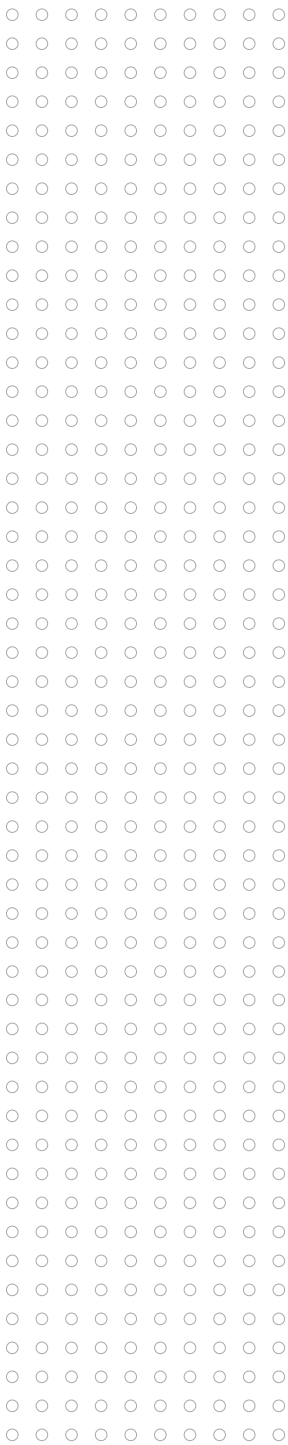
The manager must know that:

- Prior to the placement, an employee may utilize intermittent leave to attend counseling sessions, court appointments, consult with their attorney and/or travel to another country.
- After placement, bonding leave must be taken continuously unless the employer allows intermittent leave.
- The employee may use up to 12 weeks of bonding time under FMLA within one year of placement.

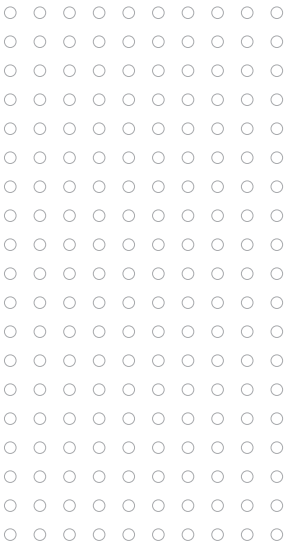
However, this can change based on the state the employee is in at the time of the request.

Once a manager is aware of the employee’s adoption plans, congratulations may be given. The manager also should reach out to human resources so they can begin providing information about benefits that may be available to the employee during the adoption process. Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if he is eligible for leave or not. In addition, the manager should not attempt to determine how much time an employee is able to utilize leave as this could be considered



interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



In this scenario, human resources checks his eligibility and determines he is eligible for leave under FMLA. Because this leave is not for the employee’s own medical condition, Short-Term Disability would not be applicable.

Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Adoption	1	2	3	4	5	6	7	8	9	10	11	12
FMLA	Pre-Adoption Activities				Bonding							
Paid Time Off	100% of pay											



In Loco Parentis: Eligible for FMLA



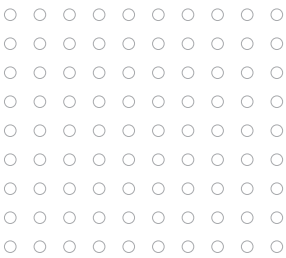
THE SCENARIO: An employee mentions to his manager that he needs to care for his ill grandparent for six weeks. Although caring for an extended family member is not typically covered under FMLA, there is a caveat called In Loco Parentis, meaning “in place of a parent.”

This specific leave can be utilized by an employee who now is caring for an individual who provided daily care and was responsible for the employee as a child. There is no legal or biological relationship necessary. Also, caring for an extended family member could be covered under a state law.

Once this information is received by the manager, reassurance and words of comfort may be offered. The manager also should contact HR so they can begin providing information about benefits that may be available to the employee during the “in loco parentis” leave. Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources.

The manager should not attempt to advise the employee if he is eligible for leave or not. In addition, the manager should not attempt to determine how much time an employee is able to utilize for leave as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.

In this scenario, the company checks his eligibility and determines he is eligible for leave under FMLA as the employee was raised by his grandparents.



Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Employee caring for immediate family member	1	2	3	4	5	6
FMLA	Care of a family member					
Paid Time Off	100% of pay					

Death of Family Member: Eligible for FMLA

THE SCENARIO: An employee who is on an approved six-week continuous FMLA leave contacts her manager on the third week of leave. She informs the manager that her parent – for whom she was caregiver – has died the previous day.

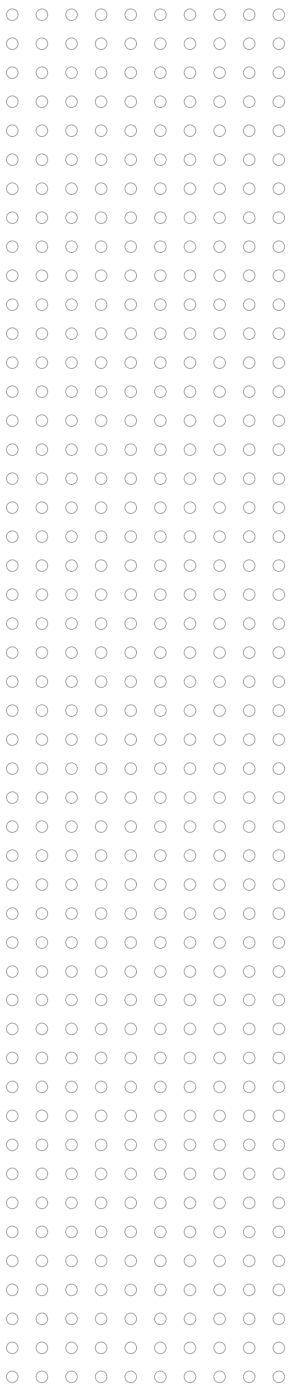
The manager needs to know:

- Upon the date of death, a FMLA case ends. Bereavement is not a covered reason under FMLA.
- The employee needs to transition to the appropriate type of leave (bereavement, personal).
- The company offers a one-week (five business days) bereavement leave.

Once the manager is informed of the individual’s passing, condolences may be offered to the employee. The manager also should reach out to human resources so they can begin providing information to the employee on transitioning from FMLA to bereavement leave and, if applicable, a possible personal leave.

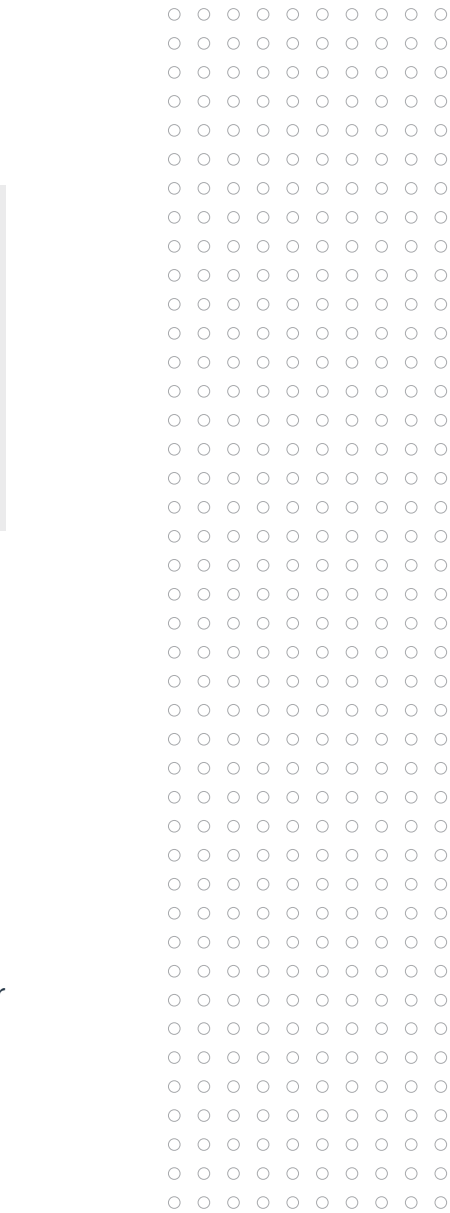
The manager should not attempt to determine when the employee can return to work. Human resources will have those conversations on the manager’s behalf.

Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.



Care of Family Member - Prior	1	2	3	4	5	6
FMLA	Care of family member					
Paid Time off	100% of Pay					
Care of Family Member - After	1	2	3	4	5	6
FMLA	Care of family member					
Paid Time Off	100% of Pay					
Bereavement Policy				100% Pay		

Spouses Caring for the Same Family Member: Eligible for FMLA



THE SCENARIO: An employee mentions to his manager that he needs seven weeks off work to care for his 17-year-old son who recently was diagnosed with a serious medical condition that requires extensive daily treatment. The employee’s spouse also works for the same company. The manager is not sure but thinks only one parent at a time can use FMLA to care an ill child.

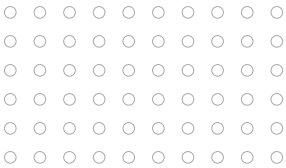
The manager needs to know:

- For married couples under FMLA, there are some qualifying reasons when the allotted 12 weeks are combined.
- FMLA also has some qualifying reasons that are not subject to the combined 12-week limitation, such as an employee who is unable to work while caring for a child with a serious health condition.

The married couple plan to care for their ill minor child, so they do not need to combine their 12 weeks for FMLA. The manager should contact HR so they can provide information to the couple regarding their eligible benefits. The manager should not attempt to determine when each employee can return to work. Human resources will have those conversations on the manager’s behalf.

In this scenario, Human resources checked the employee’s benefits and found that he is eligible for FMLA and/or any state leave benefits.

Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.



Care of Family Member	1	2	3	4	5	6	7
FMLA	Care of a family member						
Paid Time Off	100% of pay						

Employee's Own Illness (Non-FMLA Transition to FMLA)

THE SCENARIO: An employee says she will be having surgery and will need at least 12 weeks off from work. The employee has worked 11 months for the company. The start of the employee's leave would be under a personal leave. When she reaches her anniversary hire date, her leave would transition to FMLA job protection.

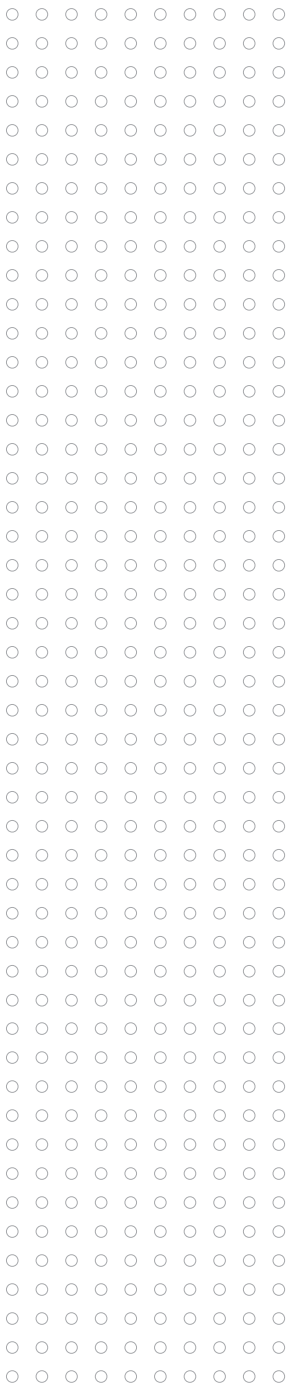
The manager needs to aware of several things:

- Do not discourage the employee from seeking a leave of absence.
- Do not inquire about the type of surgery the employee is having.
- An employee becomes FMLA eligible when the requirements are met.

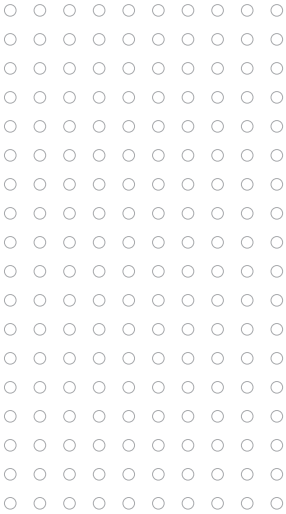
In this scenario, the employee would become eligible when she reaches her anniversary date of hire, even if she is already on a leave of absence. Any time prior to the anniversary date would not be FMLA.

The manager also should reach out to human resources so they can begin providing the employee with information about eligible benefits while she is on leave.

Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources. The manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager's behalf.



In this scenario, the company checks her eligibility and determines she is eligible for leave under FMLA and for Short-Term Disability (STD) benefits. The disability plan has a 14-day elimination period (EP), which means the payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. The manager should not attempt to calculate the employee’s benefits for her.



This is how the benefits would overlap for this scenario. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Employee's Own Health Condition	1	2	3	4	5	6	7	8	9	10	11	12
Personal Leave	Unpaid											
FMLA	Own Condition											
Short-Term Disability	EP		60% pay up to weekly maximum									
Paid Time Off	100% Pay											



Continuous FMLA to Intermittent FMLA

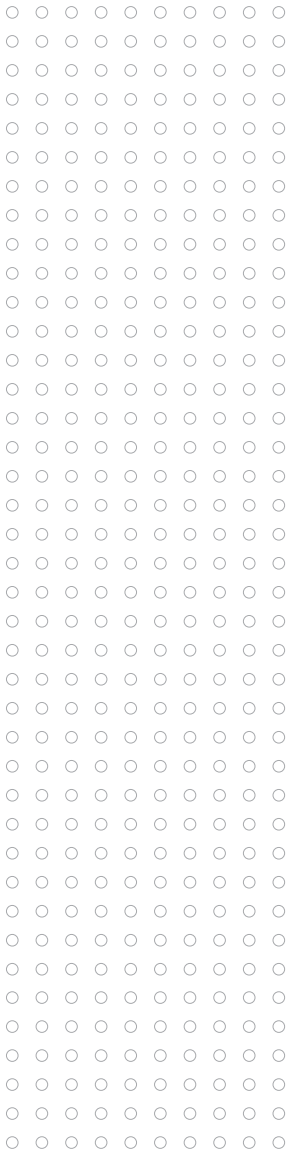
THE SCENARIO: An employee mentions to his manager that he is having surgery soon and needs at least four weeks off from work. In addition, he will have follow-up office visits three times a week for two weeks after his return to work.

The manager needs to be aware of several things:

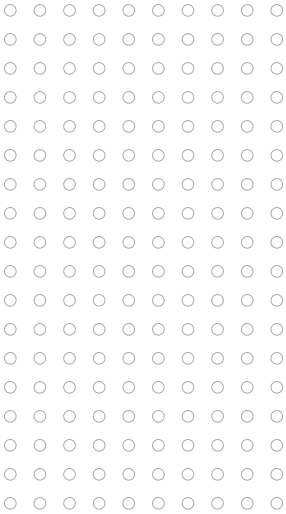
- Do not discourage the employee from seeking a leave of absence.
- Do not inquire about the type of surgery the employee is having.
- An employee can be on a continuous leave and then transition to intermittent leave for office visits and/or episodic days or vice versa.

The manager should contact human resources so they can begin providing information about benefits that may be available to the employee while on leave.

Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources. The manager should not attempt to determine when the employee can return to work from continuous leave as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.



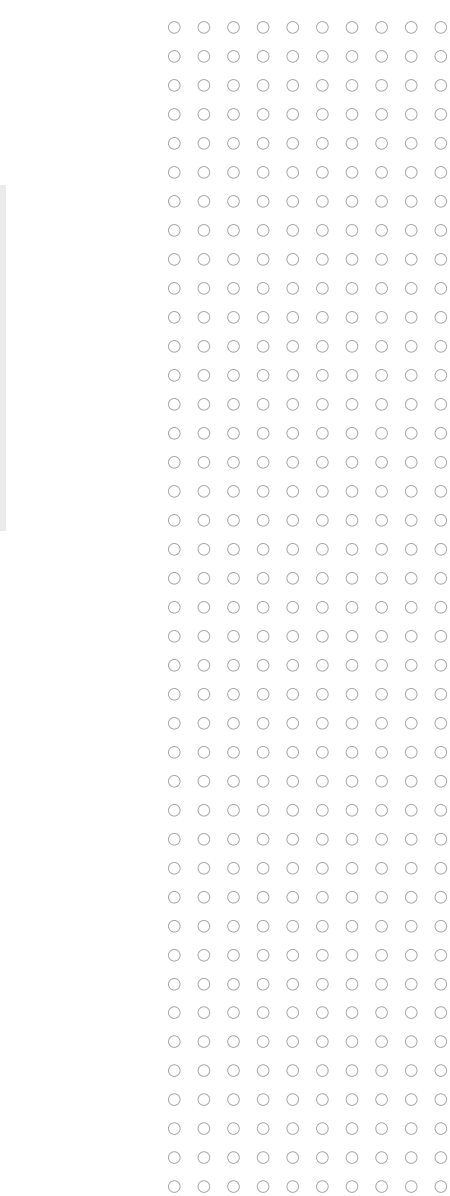
In this scenario, the company checked the employee’s benefit and found he is eligible for FMLA and/or any state leave benefits. He is eligible for Short-Term Disability. The disability plan has a 14-day elimination period (EP), which means the payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. The manager should not attempt to calculate the employee’s benefits for him.



This is how the benefits would overlap for this scenario. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Employee’s Own Health Condition	1	2	3	4	5	6
FMLA	Own Condition Continuous				FMLA to be used intermittently per approved frequency and duration	
Short-Term Disability	EP		60% pay up to weekly maximum			
Paid Time off	100% Pay					

Prior FMLA Usage and a New Leave



THE SCENARIO: An employee mentions to his manager that he will be having surgery in July and will need at least 12 weeks off from work. The employee already utilized 8 weeks of leave last December. The employee has only 4 weeks of FMLA available for his new leave. Knowing the company uses a rolling backwards calendar, he will not regain the prior 8 weeks of FMLA until December of the current year.

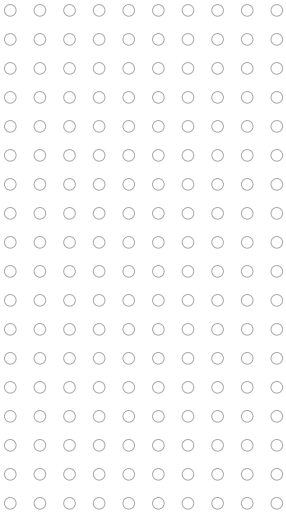
The manager must not:

- Discourage the employee from seeking a leave of absence.
- Inquire about the type of surgery the employee is having

The manager should contact human resources so they can begin providing information about benefits that may be available to the employee while on leave.

Employees do not need to specifically request leave; they merely need to make the company aware of the need. By telling the manager, the employee is making the company aware of the need for leave. Once aware, the manager must contact human resources. The manager should not attempt to determine when the employee can return to work as this could be considered interference under FMLA and/or state leave laws. Human resources will have those conversations on the manager’s behalf.

In this scenario, the company checked the employee’s benefit and found he is eligible for FMLA and/or any state leave benefits. The disability plan has a 14-day elimination period (EP), which means the payments will not commence until Week 3 of any disability. Once payment commences, the plan pays up to 60% of the employee’s weekly salary to a maximum benefit. This will be discussed with the employee by the STD carrier. The manager should not attempt to calculate the employee’s benefits for him.



This is how the benefits would overlap for this scenario. Note: These scenarios are not state-specific. State leave and statutory benefits can overlap with the example below. They are provided as only sample illustrations to aid in understanding and should not be shared with employees as their specific circumstances and the laws of their state may differ.

Own Health Condition	1	2	3	4	5	6	7	8	9	10	11	12
FMLA	Own Condition Continuous				FMLA Exhausted							
Short-Term Disability	EP		60% benefit paying up to weekly maximum									
Paid Time Off	100% Pay											

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