

# LEAVE OF ABSENCE FAQs

## 1 What's the difference between Short-Term Disability (STD) and Family and Medical Leave Act (FMLA) leave?

- STD is a CRMC-paid benefit. FMLA leave is an unpaid, job-protected leave.
- If an employee is eligible for both FMLA and STD, the two run concurrently, so the employee receives STD benefit payments (as set out below) while on FMLA leave.

## 2 How does an employee become eligible for FMLA leave?

- An employee must have worked at least 12 months for CRMC; AND
- An employee must have worked at least 1,250 hours during the 12 months preceding the commencement of leave.

## 3 How long can an employee be on FMLA leave?

- FMLA provides up to 12 weeks of unpaid, job-protected leave per year (12-month period measured backward from the date an employee uses any time under the FMLA).
  - Employee must utilize PTO during this leave of absence.

## 4 What are most common qualifying reasons for FMLA leave?

- The birth of a child or placement of a child with the employee for adoption or foster care;
- The care for a child, spouse, or parent who has a serious health condition; or
- A serious health condition that makes the employee unable to work.

## 5 When approved for Intermittent FMLA leave, what are the employee's responsibilities?

- Intermittent FMLA leave (leave taken in separate blocks of time for a single qualifying reason) must be reported to:
  - the employee's Manager and/or staffing office according to department protocol for each day of the absence. The manner of reporting (e.g. voicemail, email, text message) shall be established and communicated by the immediate supervisor. Refer to Policy #4.07.003; AND
  - The Standard by calling the Absence Management Service Center (866-756-8116) or by web ([standard.com/absence](http://standard.com/absence)).

## 6 How does an employee become eligible for STD?

- An employee must work full-time (30 or more hours per week) or part-time (16 or more hours per week).
- A 90-day waiting period applies to all new hires and those who transition from PRN to full-time or part-time status.

## 7 When does an employee's STD benefits begin?

- 1st day of disability if you are hospitalized overnight, have an outpatient surgery or deliver a baby.
- If you are disabled due to an accidental injury or illness that lasts longer than 7 days, you will qualify after a 7-day waiting period. STD benefits will not be paid during those 7 days.

## 8 How long can an employee receive STD benefits?

- Up to 26 weeks when medically supported.
  - For maternity claims, the weekly benefit maximum duration is:
    - Up to 6 weeks for vaginal delivery
    - Up to 8 weeks for c-section delivery

## 9 When is STD benefits paid?

- A pending claim must be approved before receiving payment. Once the claim is approved, STD hours will be applied to employee's timecard to be paid on the following paycheck.

## 10 How much will an employee get paid if STD benefits have been approved?

- Employee is eligible to receive 60% of employee's basic weekly earnings (fully taxable).
- The other 40% will be paid by applying employee's available PTO.

## 11 What if an employee doesn't qualify for FMLA or STD?

- Employee is required to contact HR Leaves to request approval of a Personal Leave of Absence.

## 12 Do an employee's medical benefits remain active while on a leave of absence?

- Yes, but employee needs to make sure benefit premiums are paid if not receiving a paycheck to cover these deductions per pay period.
  - If not paid, these amounts will remain in arrears until employee returns to work and additional deductions will be deducted from each paycheck until paid in full.
- If an employee is on maternity leave, adding the new dependent to employee's medical plan within 31 days from the date of birth is important to ensure medical coverage.

## 13 Who enters STD hours and/or FMLA PTO on employee's timecard while employee is out on a leave of absence?

- If employee is approved for STD benefits, HR Leaves Admin will enter the hours and approve the timecard.
- If employee is approved for FMLA leave after STD benefits end, HR Leaves Admin will enter employee's available PTO hours and approve the timecard.
- If employee is approved for intermittent or care of a family member FMLA leave, employee's Manager will enter the employee's available PTO hours and approve the timecard.
  - PLEASE NOTE: Exempt employees' timecards default to hours worked, so this time must be deleted if the employee is out on leave and FMLA PTO hours must be added instead.
    - For example: 1) if a claim hasn't been approved but the employee's leave already started, Manager will need to input FMLA PTO in place of hours worked; or 2) if an employee's PTO is exhausted while on a leave of absence, the salaried employee's hours must be deleted by either HR Leaves Admin or Manager, depending on the type of leave as mentioned above.

## 14 What are the employee's responsibilities while out on an approved leave of absence?

- Communication is key. Employee needs to communicate with The Standard, the HR Leaves Admin and the employee's Manager if the leave of absence is extended or if employee is cleared to come back to work earlier than anticipated.
- Employee should make sure any required license renewals are current and remain up to date.
- If an employee is out on a leave of absence during open enrollment, the employee must make arrangements to enroll before the deadline even while on a leave of absence.
- A performance review may be completed upon return from a leave of absence. However, employee has the option to complete his/her performance review while on a leave of absence. The results of the performance review shall be effective as of the date the employee returns to work.

## 15 What does an employee need to do at the end of a leave of absence?

- When a leave of absence is for the employee's own serious health condition, the employee is expected to return to work when released by a health care practitioner.
- Before returning to work, an employee must provide to Occupational Health a Fitness for Duty certification, signed by a health care practitioner.
  - If the health care practitioner releases the employee back to work with restrictions, Occupational Health will reach out to the HR Leaves Admin and the employee's Manager.
  - If Manager confirms the department can accommodate the restrictions, HR Leaves Admin will prepare and send a light duty agreement for employee and Manager to sign prior to the employee returning to work.

## 16 What if an employee receives orders for Military leave?

- Under USERRA, CRMC is required to grant an unpaid military leave of absence to those who request such leave in order to perform service in the uniformed services.
- Employee will need to file a claim with The Standard to report the need for USERRA leave.

## 17 How does Workers' Compensation work?

- An employee shall report to Occupational Health any work-related injury as soon as practical but no later than 72 hours.
- Once Occupational Health has evaluated the injury, a decision shall be made to determine if it qualifies as a possible Workers' Compensation claim.
  - If a Workers' Compensation claim is filed and approved, the benefits are paid directly to the employee from State of Wyoming, Division of Workers' Safety and Compensation.
    - A 3-day elimination period applies (no benefit payment) but employee can use PTO for these first 3 days only.
    - Employee cannot use PTO to supplement salary while receiving Workers' Compensation benefits.
- Employee will also need to file an FMLA claim with The Standard. FMLA time will run concurrently with Workers' Compensation benefits.

Contact [HRLeaves@crmcwy.org](mailto:HRLeaves@crmcwy.org) for any additional questions.