



FAMILY MEDICAL LEAVE
For Employees of Indiana State Government

FML

When Family Medical Leave is exhausted

October 2015



Fiscal Year Calculation

How much FML is available before it is exhausted?

- Indiana state government has designated the fiscal year as the 12- month period to calculate Family Medical Leave (FML).
- The designated fiscal year runs from July 1 through June 30.
- The amount of FML available in that fiscal year is 12 workweeks. That's 450 hours for someone working a 37.5-hour/week schedule.



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When an employee exhausts the entitlement to FML



the protections under the FMLA end, and the employee is expected to return work.



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What are my options if leave is still needed?



Absences between the date FML is exhausted and June 30th may continue if the absence(s) are also covered by other leave that has been pre-approved in advance such as:

- accrued leave,
- schedule adjustments,
- part of the State's Worker's Compensation (WC) or Short/Long Term Disability (S/LTD) Plans, or
- an ADA reasonable accommodation.



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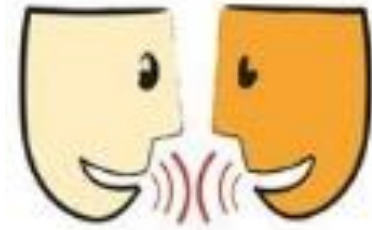


Options after FML is exhausted

- **Accrued Leave** means Sick, Vacation, or Personal leave.
- **Schedule adjustment** means flexible scheduling for a week or pay period enabling the employee to work a full schedule at times other than the regularly-assigned shift without using accrued leave.
- If employee's situation meets the requirements for the **WC or S/LTD plans**, then absences can continue under the terms of those plans even if FML is no longer available.
- **Reasonable accommodations** under the Americans with Disabilities Act (ADA) are discussed on the next three slides.



ADA Reasonable Accommodation



- If you believe that your serious health condition also qualifies as a disability under the Americans with Disabilities Act (ADA), then you must submit supporting medical documentation to your Human Resource Office and discuss with your supervisor and HR Representative possible accommodation(s) that will enable you to perform the essential functions of your job.
- Any such accommodation(s) must be reasonable and not cause an undue hardship for agency operations. Unpredictable absences and indefinite leaves are not generally considered reasonable.



“Has an ADA disability” means:



“A physical or mental impairment that substantially limits one or more major life activities.”

- **Physical Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
- **Mental Impairment:** Any mental or psychological disorder such as emotional or mental illness. Examples may include major depression, schizophrenia, and personality disorders.
- **Major Life activities:** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working as well as major bodily functions, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.



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Are all impairments a disability under the ADA?



Even if a condition is an impairment, it is not automatically a “disability.” To rise to the level of “disability,” an impairment must “substantially limit” one or more major life activities of the individual.

Substantially limit: is an individualized assessment based on how the impairment impacts the individual in performing a major life activity as compared to most people in the general population.

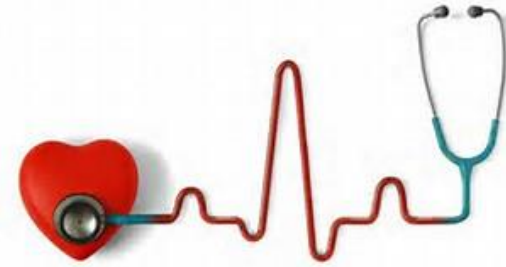
Note: Minor and transitory impairments such as a broken leg with no complications are not disabilities under the ADA.



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What if leave is needed for appointments or treatments?



- You are responsible for scheduling treatments and appointments outside of work hours whenever possible.
- If not possible, you may discuss with your supervisor limited options to adjust your schedule for appointments and/or treatments; however, use of schedule adjustments must be pre-approved by your supervisor.



Can FML be recorded in PeopleSoft Time and Labor or other system an agency may use after it has exhausted?



No. Once FML is exhausted, no additional absences can be coded or charged as FML. Disciplinary action may be imposed on

- Employees who improperly report an absence as FML on the timesheet, and
- Supervisors who improperly report or approve an absence as FML on a timesheet.

Leave taken that isn't covered by FML or other preapproved or appropriate leave is considered unauthorized, subject to disciplinary action.



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Can I reapply for FML?



- July 1st begins a new fiscal year and this is the earliest date on which you may be eligible to use FML again once you have exhausted the allotment for the current fiscal year.
- However, you may not be able to use FML again even on or after July 1st until you have met all eligibility criteria and submitted a new request with supporting documentation within the required time limits through PeopleSoft – Self Service.
- A request for the new fiscal year is subject to eligibility requirements and second and third medical opinions may be required.



What happens if I don't report back to work?

- Additional absences that are not also covered by accrued or appropriate leave, schedule adjustments, as part of the State's Short/Long Term Disability Plan, or as a reasonable accommodation will be unauthorized leave subject to disciplinary action.
- Failure to report to work as scheduled for each day not covered by appropriate leave will result in unauthorized leave subject to disciplinary action up to and including dismissal.



Have a Question?

Call the SPD FMLA Line



317-234-7955

or toll free

1-855-SPD-INHR

(1-855-773-4647)



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