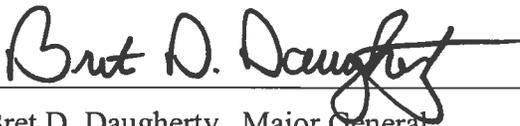




## Department Procedure No. HR-222a-10

<b>Subject:</b>	Family and Medical Leave Act (FMLA) Procedures
<b>Former Number:</b>	New
<b>Authorizing Source:</b>	29 U.S.C. § 2601 et seq.  29 CFR 825  Revised Code of Washington (RCW) 49.78  Collective Bargaining Agreement by and between the State of Washington and the WPEA (Article 13)  Collective Bargaining Agreement by and between the State of Washington and the WFSE (Article 15)
<b>Information Contact:</b>	Human Resource Director Building #33 (253) 512-7941
<b>Effective Date:</b>	May 1, 2010
<b>Revised:</b>	February 1, 2013
<b>Mandatory Review Date:</b>	February 1, 2017
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

#### Family Medical Leave Act Requests

The following are the responsibilities of Washington Military Department (WMD) employees and staff for requesting and processing leave taken under the provision of the Family Medical Leave Act (FMLA).

1. **Employees.** When employees request and utilize leave under the FMLA, they have the following responsibilities:

a. Prior to Leave Approval:

- i. Notifies supervisor within 30 calendar days of the reason and need for leave if foreseeable, otherwise, as soon as possible after discovering the need for leave. Provides the anticipated timing and duration of the needed leave.
- ii. Fills out the FMLA request form, provides appropriate certification, and returns these documents to the Human Resource (HR) Office within 15 calendar days of receiving the forms.
- iii. Notifies the HR Office of any extenuating circumstances or issues that arise when completing these forms.

b. While on Approved FMLA:

- i. Completes and submits leave requests to cover FMLA absences. Indicates that the leave is being taken under FMLA on the leave request form. The FMLA leave codes for sick, vacation, personal holiday and leave without pay are listed on the leave request form.
- ii. Provides supervisor/manager with periodic reports on status and intent to return to work as requested.
- iii. Provides medical re-certification as requested.
- iv. Provides a fitness for duty certification at the completion of the leave as requested, if leave is taken for the employee's own serious health condition.
- v. Consults with HR Services to determine if any other leave entitlements are available.

2. **Supervisors/Managers.** When employees request and utilize leave under the FMLA, Supervisors/Managers have the following responsibilities.

a. Upon receipt of leave requests:

- i. Reviews leave requests received from employees to determine if it should be processed as FMLA leave. Contact human resources if there are questions regarding FMLA qualifying condition requests.
- ii. If leave request is for a FMLA qualifying absence, ensures that this is documented on the leave request form. The FMLA leave codes for sick, vacation, personal holiday and leave without pay are listed on the leave request form.

- iii. Notifies HR Office immediately if the leave appears to be covered under FMLA, the employee has requested FMLA, or if there are questions regarding FMLA.
    - iv. Processes leave requests as appropriate in accordance with Military Department Leave Policy HR 218-10.
  - b. While Employees are on approved FMLA:
    - i. Communicates with employee periodically to request reports on status and intent to return to work.
    - ii. Requests assistance from HR Services as needed.
- 3. **HR Staff.** When employees request and utilize leave under the FMLA, the HR Staff has the following responsibilities.
  - a. Upon receipt of leave requests:
    - i. Within 5 business days of receipt of the request, notifies the employee of their eligibility. Provides employee with the appropriate Department of Labor FMLA request form, medical or other certification form; position description form identifying essential functions (if applicable); and the Eligibility Notice and Rights and Responsibilities (this provides written notification to the employee of their rights and responsibilities, including need to provide certification).
    - ii. Upon receipt of the completed certification, notifies the employee that the leave will be designated as FMLA leave within 5 business days of receipt of information, confirming that the leave is FMLA qualifying. (Designation Notice).
    - iii. Provides both Managers/Supervisors and employees advice and assistance as needed.
  - b. While Employees are on approved FMLA:
    - i. Provides Managers/Supervisors and employees advice and assistance as needed.
- 4. **Payroll Services**
  - a. Upon receipt of leave requests:

- i. Processes FMLA leave requests. Maintains and updates data on FMLA eligibility status and usage.
  - ii. Provides Managers/Supervisors and employees advice and assistance as needed.
- b. While Employees are on approved FMLA:
  - i. Notifies Managers/Supervisors and HR of concerns and/or issues with FMLA and leave usage as appropriate.