Agenda

- Medical Leave of Absence Overview
- Employee Responsibilities
- Supervisor Responsibilities
- Important Take-Aways
- Q&A
Types of Medical Leaves

- Family and Medical Leave Act (FMLA)
- Reasonable Accommodation Under Americans with Disabilities Act (ADA)
- Short-Term Disability
- Extended Short-Term Disability
FMLA Leave

• Eligible employees may take FMLA leave for up to 12 weeks for the following:
  – The birth of a child and to care for the newborn child within one year of birth.
  – The placement of a child for adoption or foster care with the employee and to care for the newly placed child within one year of placement.
  – To care for the employee’s spouse, child, or parent who has a serious health condition.
  – The employee’s own serious health condition that impacts the employee’s ability to perform the essential functions of their job.

• Military Family Leave
  • Because of a qualifying reason arising out of the covered active duty status of a military member who is the employee’s spouse, son, daughter, or parent (qualifying exigency leave)
  • To care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (military caregiver leave)
Applicable Policies

- PIM Number 09 – Family and Medical Leave for Staff and Twelve-Month Faculty
  - Policy available at: https://hr.charlotte.edu/pims/family-and-medical-leave

- University Policy 102.6 – Family and Medical Leave for Nine-Month Faculty
  - Policy available at: https://legal.charlotte.edu/policies/up-102.6
ADA Reasonable Accommodation

• The Americans with Disabilities Act of 1990 (as amended in 2008 (ADAAA)) prohibits discrimination based on disability and requires employers to provide certain reasonable accommodations so that an employee with a disability can continue to perform the essential functions of their job.

• A reasonable accommodation is an alteration to University policies or the work environment that would allow a disabled employee or applicant for employment to perform the essential functions of the job unless the accommodation is an undue hardship or creates a direct threat.

• Accommodation requests are considered on a case-by-case basis.
Who Has Rights Under the ADA?

• Applies to all applicants or employees who:
  • Have a disability
  • Have a record of having a disability (even if they do not currently have a disability)
  • Are regarded as having a disability

• If any of the three prongs are satisfied, the individual counts as disabled under the law.

• “Disabled” mean a physical or mental impairment that substantially limits one or more major life activity or major bodily function. The impairment needs to be a physiological or mental disorder.
Leave As A Reasonable Accommodation

• Some situations that may require leave as a reasonable accommodation include the following:
  o when there is no other effective accommodation
  o when an employee is not eligible to take leave under the Family Medical Leave Act (FMLA), but has a qualifying disability under the ADA
  o when an employee is FMLA eligible, but requires additional time off beyond the twelve-weeks
  o when an employee has exhausted paid vacation and sick leave and requires additional intermittent time off because of a qualifying medical impairment
Applicable Policy

- PIM Number 50 - Reasonable Accommodation
  - Policy available at: https://hr.charlotte.edu/pims/reasonable-accommodation
Short-Term Disability Leave

- Short-term disability insurance provides income replacement if an employee becomes unable to work due to a medical disability
- Whether an employee qualifies for STD depends on the number of years of creditable service they have as a participant in TSERS or ORP
- Disability benefits may be limited if they have less than five years of creditable service
Extended Short-Term Disability Leave

- Monthly replacement income if you become disabled while you are a permanent employee and are enrolled in ORP or TSERS
- It is generally a continuation of STD benefits through the State
- Employee determined to be mentally or physically disabled for the further performance of their usual occupation

- Extended STD is up to 365 additional days after the last day of your short-term disability benefits, if your disability is likely to be temporary
# Short-Term v. Long-Term Disability Benefits

<table>
<thead>
<tr>
<th>Requirement:</th>
<th>Short-Term Disability</th>
<th>Long-Term Disability</th>
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<tbody>
<tr>
<td></td>
<td>One year retirement plan contributions</td>
<td>Five years retirement plan contributions, and not eligible for unreduced retirement</td>
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<tr>
<td>Benefit:</td>
<td>50% eligible compensation $3,000/month cap</td>
<td>65% eligible compensation $3,900/month cap</td>
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<tr>
<td>Payable:</td>
<td>Up to 365 days after 60-day waiting period (Extended Short Term, potential of additional 365 days)</td>
<td>Based on eligibility</td>
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**Note:** Less than 5 years employment, employee pays both employee & employer premiums for health coverage
Employee Responsibilities when Returning from Medical Leave

• Provide regular updates to manager regarding return-to-work status
• If FMLA leave is extended beyond approval date, provide a doctor’s note to the Benefits Office with new end date
• Submit Fitness for Duty form to the Benefits Office at least 2 weeks in advance of the return-to-work (RTW) date
• If returning to work with medical restrictions, complete the ADA accommodation request form at least 2 weeks in advance of the RTW date
# Fitness for Duty Certification

**Required of all employees returning from a Medical/Disability Leave of any kind.**

*Return to the Benefits Office, King Building, Room 217*

## Part 1: TO BE COMPLETED BY EMPLOYEE (Please Print or Type)

Please attach a job description listing physical requirements of your position to this form.

<table>
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<tr>
<th>Name</th>
<th>Job Title</th>
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<th>Date Leave Began</th>
<th>University ID #</th>
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<th>Employee Signature</th>
<th>Date</th>
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## Part 2: TO BE COMPLETED BY EMPLOYEE (Please Print or Type)

1. I certify that I have read the employee’s job description attached to this form and that the above-named employee is physically fit to meet the physical/mental requirements listed in the description. (Please check one: [ ] with or [ ] without) reasonable accommodation.

   *If accommodation is required, please list specific limitations to activity in remarks section (section 4).*

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2. Healthcare Provider's Name

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<th>Address</th>
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3. Area of Practice/Specialty (if any)

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<th>Phone</th>
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4. Please list specific restrictions to duty, if any. (Please use extra paper if necessary.)

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<th>Additional remarks</th>
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5. Date Released to Return to Work

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*Fitness for Duty Form – 12/15/2022*
Supervisor Responsibilities

- Check-in with the employee
- Don’t ask employee to perform any work tasks
- Stay in contact with HR Benefits Office about RTW status
- Make sure the employee’s time is entered in Kronos using the correct code
- If employee runs out of their own accruals complete a LWOP form
- It is important that time in Kronos is updated daily or in advance if an employee is on LWOP to avoid over payment
- Complete the Payroll overpayment form if the employee is overpaid
- Confirm with the Benefits Office that employee has been cleared to return to work if they were out for a serious medical condition
Important Take-Aways

✓ Review the applicable policy when needing leave
✓ Communication is key! Provide regular updates to your manager and HR regarding your return-to-work status
✓ Timing is everything! Provide a fitness-for-duty at least 2 weeks prior to returning to work from medical leave
✓ While on leave ensure that your hours are being entered correctly
✓ No work during medical leave period
✓ If unsure, contact the Benefits Office or Employee Relations
Where to Get Help!

• Need assistance?
  • Contact the Benefits Office
    • Marina LaLeux (mleleux@charlotte.edu) for FMLA questions
    • Maria Sanchez (msanch40@charlotte.edu) for Short-Term and Long-Term Disability questions

• Contact Employee Relations
  • Samantha Floyd (sfloyd18@charlotte.edu) for ADA Accommodation

• Online Reasonable Accommodation Information
  • https://hr.charlotte.edu/about-hr/personnel-information-memorandums-pims/pim-50-reasonable-accommodation
Questions

Answers