

FMLA

Q1

What is FMLA?

Federal FMLA is a federal law that entitles employees up to 12 weeks of unpaid, job protected leave for qualifying medical reasons or to care for a family member. This time can be used over the course of 12 months. If taking leave to care for an injured service member, an employee is eligible for a one-time allotment of 26 weeks of leave in a single 12-month period.

Wisconsin FMLA is a state law that entitles employees up to 10 weeks of unpaid, job protected leave for qualifying medical reasons or to care for a family member. This time can be used over the course of 12 months. If taking leave to care for an injured service member, an employee is eligible for a one-time allotment of 26 weeks of leave in a single 12-month period.

- 2 weeks for own serious health condition
- 2 weeks for a family member's serious health condition
- 6 weeks for the birth of a child/adoption of a child. Must be used within 16 weeks (before or after) of birth.

Unused FMLA time does not carry-over to the next year.

Fed FMLA and **WI FMLA** will run congruently.

Q2

How is “family member” defined under FMLA?

Family members are defined under FMLA as:

- The employee's parent
- The employee's child, including adult children who are incapable of caring for themselves
- The employee's spouse
- The employee's next of kin, but only in situations of caring for an injured service member

**Please keep in mind, if you need FMLA for someone other than the family members listed above, you can still apply for FMLA and Unum will ultimately decide if an exception will be made.*

Q3

Who administers FMLA?

Unum. Contact Unum to apply at 1 (866) 868-6737 or <https://portal.unum.com>.

Q4

Who is eligible for FMLA?

For Federal FMLA - An employee who has been employed for 52 weeks and 1250 hours *worked*.

For WI FMLA – An employee who has been employed for 52 weeks and 1000 hours *worked*.

Q5

When does FMLA start?

FMLA may begin on the first day of the absence provided the request meets the requirements and is completed and submitted timely.

Q6

What are the different types of FMLA?

Continuous – Consecutive absence where an employee cannot work for a duration of time. An uninterrupted block of missed days from Point A to Point B.

Intermittent – Sporadic absences caused by an episode or flare up of a medical condition, or the need to attend an appointment or treatment for the health condition. Frequency and duration are dictated by a medical provider for episodic incapacitations and by treatments/appointments. The employee is required to report to their supervisor and Unum within 48 hours of each absence. If not reported, the reported time is unprotected. Time reported by an employee is sent to Racine County every Monday. HR is required to email supervisor and payroll every Monday with these approved or denied leaves.

Reduced Schedule – Prearranged schedule of days/hours to be missed. Frequency and duration are dictated by a medical provider. Example: Employee may work 4-hour days for 2 weeks.

Q7

What type of notice is required for FMLA?

A 30-day advance notice to your supervisor is required for all absences that are elective, planned, or non-urgent procedures/surgeries. Failure to provide this notice will delay the start of your FMLA benefits until the 30-day period has been reached. If the leave is not foreseeable, the employee is required to provide notice as soon as practicable and within at least 5 days of the leave. Any claims filed for FMLA that are received after the 5th day may be denied.

Q8

What if my FMLA is denied?

Contact Unum at 1 (866) 868-6737 or <https://portal.unum.com>.

Q9

Will I have insurance while on leave?

Yes, your health insurance coverage will continue as it normally would. If you currently contribute to your health insurance plan, and your paychecks continue to have enough for payroll to take the insurance deductions while you are on leave, then there will be no change. However, if your paychecks fall too short for payroll to deduct those health insurance premiums, then your contributions will be taken from your paycheck when you return as long as the amount you owe does not exceed \$500. If it exceeds \$500 you will be invoiced for the missed deductions prior to your return to work and must submit payment to avoid termination of benefits.

Q10

What if I have questions or concerns?

Contact the HR Benefits Manager, Ani LaFave, at (262) 636-3965 or ani.lafave@racinecounty.com.

STD

Q1

What is STD?

Short Term Disability is a partial income continuation program for an employee (except Deputies) who is out for their own medical condition. Benefits are paid at 60% of the first \$2500 of your pre-disability earnings beginning on Day 13.

- There is a 12-day waiting period for STD benefits to begin.
- STD can run up to 11 weeks.

Q2

Who administers STD?

Unum. Contact Unum at 1 (866) 868-6737.

Q3

Who is eligible for STD?

An employee who has been employed for 6 months in a benefit eligible position including the introductory period.

Q4

What if I have a scheduled vacation during STD?

You will be paid STD.

Q5

When does STD start?

STD begins after a 12 consecutive day elimination period. Exempt employees may use sick time during the elimination period and non-exempt employees may use any PTO time they have available (casual, banked sick, floating holiday, vacation or comp time).

Q6

How long can I receive STD?

The amount of time is based on the medical certification that Unum receives from your doctor. There is a 6 week set time for the birth of a baby and 8 weeks if delivering via C-Section.

Q7

How does a holiday affect STD pay?

If a **holiday** falls during your period of STD, you will be paid holiday pay by Racine County.

Q8

Will I receive a Sheriff/Detention day while out on STD?

The Payroll Department will take out your Sheriff/Detention day pay while you are out on STD as you are not able to receive both payments.

Q9

What type of notice is required for STD?

A 30-day advance notice to your supervisor is required for all absences that are elective, planned, or non-urgent procedures/ surgeries. Failure to provide this notice will delay the start of your STD benefits until the 30-day period has been reached. If the leave is not foreseeable, the employee is required to provide notice as soon as practicable.

Q10

What if I am denied STD?

Contact Unum at 1 (866) 868-6737.

Q11

May I work another job or attend school while receiving STD?

Unum will review on a case by case basis.

Q12

Will I have insurance while on leave?

Yes, your health insurance coverage will continue as it normally would. If you currently contribute to your health insurance plan, and your paychecks continue to have enough for payroll to take the insurance deductions while you are on leave, then there will be no change. However, if your paychecks fall too short for payroll to deduct those health insurance premiums, then your contributions will be taken from your paycheck when you return as long as the amount you owe does not exceed \$500. If it exceeds \$500 you will be invoiced for the missed deductions prior to your return to work and must submit payment to avoid termination of benefits.

Q13

What if I have concerns about my claim?

Contact the HR Benefits Manager, Ani LaFave, at (262) 636-3965 or ani.lafave@racinecounty.com.

Q14

How to insure a smooth STD process?

1. Log into the Unum portal and file your claim.
2. It's best to have your provider information when filing your claim. That way Unum can reach out directly to your doctor. You will want to give your doctor notice that Unum will reach out for medical certification.
3. A representative from Unum will reach out via phone for an introductory call. When you file your claim, you can request a specific call time/date if you like. If you don't answer, they will leave you a message. **Be sure to contact them back as soon as possible if you miss the call.**
4. Whenever you reach out to Unum, **it's important to have your claim number.** You will receive a claim number once you have filed your claim.

Pay/Income Questions While Out on Leave

Q1

How will I be paid while out on FMLA?

While you are out on WI FMLA, you can choose to supplement your time with any PTO time you have available or go unpaid. While you are out on Fed FMLA only, you must supplement your time with any PTO time you have available.

Q2

May I use my old banked sick time as a supplement?

Employees who have this time, may only use this as a supplement for their own health condition unless they are using it while protected by WI FMLA.

Q3

If I'm approved STD, how will I be paid?

Until you are approved by Unum, Racine County will use your available time to keep you in a paid status. If you do not have any available paid time, you will remain in an unpaid status. Once approved, you will receive a weekly check or bank deposit by Unum for 60% of your income. If Racine County had paid you using any time off that you were approved for STD, those payments will be returned to your bank, less the 40% supplement (unless you are covered by WI FMLA and have requested not to supplement).

Q4

I'm a deputy, when can I use my deputy sick leave while out on FMLA?

- If out for your own medical condition - up to 8 weeks
- If out for the birth of your child - up to 6 weeks (8 weeks for a C Section)
- If out for your spouse's birth of a child – up to 6 weeks (while covered by WI FMLA)
- While out for a family member's serious health condition – up to 2 weeks (while covered by WI FMLA)

FMLA/STD Step by Step Process

Step 1

Notify Your Supervisor

A **30-day advance** notice to your supervisor and Unum is required for all absences that are elective, planned, or non-urgent procedures/surgeries. Failure to provide this notice will delay the start of your FMLA benefits until the 30- day period has been reached. For unplanned absences, Unum must be notified within at least 5 days of the leave. Any claims filed for FMLA that are received after the 5th day may be subject to delay/denial.

Step 2

Supplementing Your STD Pay

Contact your supervisor or Payroll (payroll_finance@racinecounty.com) regarding your choices to supplement your pay while on STD. If you do not notify the above, your pay will be supplemented in the following order; casual, banked sick, floating holiday, vacation and compensatory time. NOTE: While protected by Wisconsin FMLA, you have the choice to be unpaid or may choose the order in which to supplement. When protected by Federal FMLA, you are required to supplement your pay.

Step 3

Return Paperwork

After notifying Unum, you will receive a packet of information, including documents that need to be completed before benefits may be issued, unless you gave Unum the fax number for your healthcare provider. Be sure to check the due dates and follow the instructions on each of the forms. If there are delays completing the forms by your healthcare provider, be sure to contact Unum prior to the due dates. If your healthcare provider does not fax the forms to Unum and gives them to you, you are responsible to send them to Unum.

Step 4

Decision

If approved, you will receive an explanation of benefits from Unum along with your first payment, which will indicate if additional information is necessary for continued benefits. If denied, you will receive a letter explaining the decision and ways to appeal. If you have questions, contact Unum directly at 1 (866) 868-6737. Submit appeals in writing to The Benefits Center Appeals Unit, PO Box 9548, Portland, ME 04104 - Fax: (800) 447-2498.

Step 5

STD - Approval

You are required to participate in case management of your STD claim with a representative of Unum. Failure to participate, return calls or follow physician's orders could result in termination of STD benefits.

Step 6

FMLA - Approval

If approved for the leave, you will be responsible for keeping track of your available entitlement and reporting to Unum of any changes:

- **Intermittent Frequency Leave:** Be sure to report each intermittent FMLA absence to Unum within 48 hours and follow your department's call-off procedures. All prescheduled appointments need to be tracked ahead of time with both Unum and your supervisor. Failure to call off to both parties may be subject to disciplinary action. Appointments should be scheduled outside of work hours if possible.
- **Continuous Frequency Leave:** Pay close attention to the date range on your decision letter. Your position at Racine County is only protected during that date range. To keep your entitlement accurate and to ensure protection, please notify Unum if your leave is different than what was provided on the decision letter.

Return to Work Instructions

Step 1

Returning to Work Prior to the End of FMLA or STD

If you are able to return to work before the end of your approved STD and/or FMLA dates, you must get a doctor's medical certification showing that you are able to return to work and notify HR, Payroll, Unum, and your supervisor.

Step 2

Returning to Work With Restrictions

If your medical provider has determined you may return to work but have restrictions, you must forward that medical certification to the HR Benefits Manager (ani.lafave@racinecounty.com) and to your supervisor. Once it has been determined that your dept is able to accommodate your restrictions, those restrictions must be followed. If you are working partial hours, you will be paid for the hours worked by Racine County and will be paid STD for the hours that you are unable to work by Unum. If it has been determined that your department cannot accommodate your restrictions, you will remain off of work and be paid by STD as long as you still qualify.

Step 3

Follow Up Appointments (including therapy)

Once you have returned back to work, all appointments are to be scheduled on your own time. Any appointments made during work hours will not be covered by STD.

Step 4

Case Management

You will **continue with** case management until you have been released to full duty.

Step 5

What is an Independent Medical Exam or a Fitness for Duty Exam?

If you are unable to return to work and you have exceeded the guidelines for your condition/diagnosis, you may be required to attend one of these exams by a third-party provider. Racine County will follow the opinion provided by the examiner (which is to return to work or remain on STD).