



## ARCHDIOCESE OF ST. LOUIS LEAVE PROCESS – FMLA or LOA

---

**What is FMLA Leave?**

**What is an ADA Accommodation?**

**What is LOA?**

### **FMLA eligible leaves**

When an employee needs to be absent from work for the reasons below, the absence may be protected as a qualifying event under the Family Medical Leave Act (FMLA). FMLA allows an employee to take up to 12 weeks unpaid leave without loss of job for:

- Birth or adoption of a child
- Serious health condition of the employee
- Care for immediate family member with a serious health condition – spouse, son, daughter, or parent
- For a qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

FMLA is absence protection and permits up to 12 weeks (480) hours in a rolling 12-month period. This is limited to the employees FTE.

### Example:

- If an employee is scheduled to work a 28 hours (0.7 FTE) workweek then the total hours of leave under FMLA is 336. (28 hours per workweek multiplied by 12)

The leave can be continuous (uninterrupted for a block of time) or intermittent (periodic and taken in hours or days).

### **FMLA eligibility**

- To qualify for FMLA, employees must have been employed for 12 months and have worked at least 1,250 hours during the preceding 12 months (employee's total hours are combined to assess for the 1,250 hours requirement).
- Employees should request leave 30 days in advance if possible. It is important that both the employee and employer communicate when the request is made to allow for preparation.

If employees do not meet FMLA eligibility criteria, they may request a Leave of Absence from their employer as outlined in the handbook.

### **Apply for leave by contacting [LOA@archstl.org](mailto:LOA@archstl.org)**

The employee should be directed to request leave by sending an email to [loa@archstl.org](mailto:loa@archstl.org). The LOA Specialist will review the employees' work history and determine the employees' eligibility for FMLA, based on the criteria established under the Family Medical Leave Act (12 months of employment and minimum 1,250 hours).

If the employee is eligible for FMLA, these documents will be sent by the LOA Specialist to the employee within five (5) business days:

- Notice of Eligibility & Rights
- FMLA Certification of Health Care Provider

The employee will provide the FMLA Certification to their medical provider who must complete and return the form directly to [LOA@archstl.org](mailto:LOA@archstl.org) or fax to 314-792-7548 in 15 calendar days. Once the medical provider has returned the completed Medical Certification, the employee and supervisor will be notified that the leave request is an approved FMLA event.

Employees whose providers do not return FMLA paperwork will be denied FMLA. Employees are required to follow up with their provider and ensure their FMLA forms have been submitted in a timely manner.

If FMLA has been denied due to lack of documentation and an employee is not at work, they may be subject to disciplinary action by their employer up to and including termination.

### **FMLA time may be paid or unpaid**

- The LOA Specialist will request PTO balances and holidays that fall during the leave period.
- A draft leave calendar will be prepared and shared with the employer.
- It is the employer's responsibility to track their employees' leave and report to payroll when that employee falls into unpaid status.
- Employees must use their accumulated PTO time; sick, vacation and personal time, until exhausted.
- The PTO time used during the leave absence must equal the employee's FTE and/or scheduled work hours and will run concurrently with FMLA and LOA.

### **Example:**

- If an employee is scheduled to work a 40-hour workweek then the total hours of leave under FMLA is 480. (40 hours per workweek multiplied by 12)
- If an employee is scheduled to work a 25-hour workweek then the total hours of leave under FMLA is 300. (25 hours per workweek multiplied by 12)
- While out on FMLA or an approved Leave of Absence (LOA), if the employee exhausts their PTO, the remainder of their approved leave will be unpaid.

### **Parental leave**

- If the absence is for the birth/adoption of a baby, Parental Leave may be used if the employee is eligible.
- Parental leave is 20 paid days per fiscal year to each qualified employee or each couple if both are employed by entities of the archdiocese.
- Parental leave is required to be used for the first 20 consecutive days beginning the day of the birth/adoption of the baby/child. If an employee works for 3 days, they will receive 12 parental days.
- Observed holidays and breaks that occur during the 20 paid parental days are not applied or paid in addition to the paternal leave benefit.
- Parental leave benefit is not extended beyond 20 days after birth/adoption. When the paternal leave benefit has been used, the employee will move to use available PTO next.
- If the employee is a school year employee and the baby is born during the summer, the employee is eligible to receive only those Parental Days in which they would be missing a paid workday. (Please see Handbook)
- While out on FMLA, if the employee exhausts their PTO, the remainder of their approved leave will be unpaid.

### **While out on leave**

- Insurance benefits remain in place during an approved leave.
- Benefits will be deducted from PTO while in pay status.
- When the employee's PTO is exhausted and they are in unpaid status, it is the employee's responsibility to pay their portion of the premium. Payment is to be made to their employer.
- When an employee is out on FMLA or LOA they should not be working and should not be contacted about work.
- If the employee would like to return to work before the end of their FMLA, a release from their medical provider will be required.
- If the employee would like to return to work under a reduced work schedule before the end of their FMLA a new medical certificate is required from their provider as an ADA accommodation.

As a reminder the 20 Parental days are consecutive from the day of birth/adoption of the baby/child, and these days may not be extended.

### **When leave has ended**

- When the FMLA leave has ended, the employee will return to their same job or similar job with the same pay and benefits.
- If the employee is unable to return to work from the initial FMLA period they must notify the LOA Specialist and their employer as soon as possible.
- If they have remaining unused FMLA and would like to extend their leave a new Medical Certification or update to the existing one must be provided by their health care provider.
- If FMLA has been exhausted or the health care provider does not provide a new or updated Medical Certification form, the employee may apply for ADA Accommodation (extension of leave).
- They must contact the LOA Specialist who will email the ADA Accommodation Request form and Medical Certification.
- The ADA Medical Certification must be completed by the medical provider and faxed directly to 314-792-7548 within one week.

- The LOA Specialist will contact the employee to begin the Interactive Dialogue. The specialist will contact the employer and work with both parties to determine if the accommodation request can be made.
- If the employee is on a Leave of Absence approved by their employer and unable to return to work, they need to contact their employer to request an extension.
- The employee will need to provide additional documentation to support the leave extension request.
- When leave has ended, if the employee does not return to work, the matter may be referred to HR Employee Relations.