



**David Douglas School District
FMLA/OFLA LEAVE OF ABSENCE HANDBOOK**

This document provides general information regarding David Douglas Districts' administration of the Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) and is not intended to be the sole source of information regarding FMLA and OFLA. In all cases applicable state and federal laws, rules, policies, and collective bargaining agreements govern the employee's and the District's rights and responsibilities and obligations, not this document.

FMLA and OFLA are not optional. The law requires the District to provide these entitlements.

Federal and state law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the asked about, requested or used Family Medical Leave.

Due to the complexities of FMLA and OFLA and their inter-relationship with the District's other policies, individuals are encouraged to consult with the Leave Coordinator regarding employee and employer rights and responsibilities pertaining to FMLA and OFLA.

Introduction

The Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) were enacted to assist employees and employers in balancing the demands of the workplace with the needs of employees and their families when leave is needed for serious health conditions.

Whether you need to take time off work because of your own serious health condition or because you need to care for an eligible family member with a serious health condition you may be eligible for unpaid, job-protected leave during the leave year. Leave may be taken all at once or intermittently as the medical conditions requires. The leave laws define who is eligible, what absences qualify, and how much leave time you may take.

- The **Family and Medical Leave Act (FMLA)** was enacted by Congress in 1993 and requires covered employers to provide employees job protections, job restoration, and continuation of medical and dental benefits under certain conditions. FMLA is regulated by the U.S. Department of Labor, Wage and Hour Division.
- The **Oregon Family Leave Act (OFLA)** was enacted by the State Legislature in 1995 and requires covered employers to provide eligible employees job protection and job restoration for qualifying conditions. OFLA does not require an employer to continue an employee's medical and dental benefits while they are on leave, but that may be slated to change in the future. OFLA is regulated by the State of Oregon, Bureau of Labor and Industries (BOLI).

Who is a Covered Employer?

The District qualifies as a covered employer under both FMLA and OFLA. As such, the District must comply with and consistently provide the protections afforded under the law(s) to all eligible employees.

How does the DDS define the Leave Year?

Under both FMLA and OFLA, and employer must designate it's 12-month "leave year" by choosing one of four methods provided by the laws.

David Douglas School District has designated the "rolling backward" method to determine the leave year for the District's employees.

This means that the District will look backward on the calendar for one year and/or 180 calendar days from the first day of your requested leave to determine if you are eligible under FMLA or OFLA respectively.

You are entitled to use any balance (or number of hours) of the 12 workweek FMLA/OFLA leave period that has not been used during the preceding 12 months.

What can the FMLA and OFLA do for me?

FMLA and OFLA provide you with up to 12 weeks of job-protected time off for a qualifying reason. The time off you take under FMLA/OFLA may not be held against you in employment actions such as hiring, promotions, or discipline. Your health insurance will also be continued while you are on FMLA/OFLA leave as long as you continue to pay the same portion of the premiums you currently pay.

You may take time off as either a single block of time (**Continuous**) or in multiple, smaller blocks of time (**Intermittently**) if medically necessary. You can also take leave on a part-time basis (**Reduced Work Schedule**) if medically necessary. If you need multiple periods of leave for planned medical treatments such as physical therapy appointments, you must try to schedule the treatment at a time that minimizes the disruption to the Districts' operational needs.

As a general rule, if you return from FMLA or OFLA leave before your leave is exhausted, you are entitled to be returned to the same (or equivalent) position you held when your leave started, as long as that position still exists.

What absences qualify under FMLA and OFLA?

Serious Health Condition – FMLA and OFLA provide up to 12 weeks of unpaid protected leave when an eligible employee is unable to work because of their own serious health condition or to care for a covered family member who has a qualifying serious health condition. A qualifying serious health condition may include illness, injury, impairment, physical, or a mental condition.

Parental (Bonding) Leave – FMLA and OFLA provide an eligible employee to take leave for the birth of a child and to bond with the newborn child, or for the placement of a child for adoption or foster care, and to bond with that child. Men and women have the same right to take leave to bond with their child but it must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave.

Oregon Bereavement Leave – Effective January 2014, bereavement is a qualifying reason under OFLA. OFLA provides up to 2 weeks of leave to an eligible employee to deal with the death of a covered family member, including grieving the death of the family member, attending the funeral or alternative service, and making arrangements necessitated by the death of a family member. Bereavement leave is per covered family member and must be completed within 60 days of the date the eligible employee receives notice of the death of the covered family member.

Military Family Leave Entitlement – FMLA provides a special leave entitlement that permits eligible employees (spouse, son, daughter, parent, or next of kin) to take up to 26 workweeks of unpaid leave to care for a covered servicemember or veteran with a serious injury or illness. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, which may cause him or her to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A covered veteran is a veteran who was a

member of the Armed Forces, including a member of the National Guard or Reserves who was discharged or released under conditions other than dishonorable and was discharged within the five-year period before the eligible employee first requests FMLA Military Caregiver Leave.

Qualifying Exigency Leave – FMLA provides unpaid protected time off for qualifying exigencies when a covered employee’s spouse, son, daughter, or parent is a member of the Armed Forces, National Guard, or Reserves and is deployed to a foreign country. A qualifying exigency includes: short notice deployment, military events and related activities, care of the military member’s parent, financial and legal arrangements, counseling, rest and recuperation (limited to 15 days), post-retirement activities (within 90 days), and any other event that the employee and the employer agrees is a qualifying exigency.

Oregon Military Family Leave Entitlement – OFLA provides a special leave entitlement of up to 14 days of unpaid leave per deployment under OMFLA (Oregon Military Family Leave Act). OMFLA allows eligible employees to spend time with a spouse or registered same-sex domestic partner who is in the military (Armed Forces of the United States, the National Guard, or the military reserve forces of the United States) and has been notified or an impending call or order to active duty or who has been deployed during a period of military conflict.

Who can use FMLA and OFLA leave?

To be eligible to take FMLA and/or OFLA leave, an employee must meet the following criteria:

	FMLA	OFLA
Employed by the District	One year	180 days <i>Exception:</i> Oregon Military Leave has no employment requirement
Hours Worked	1250 hours in past 12 months	Average of 25 hours per week <i>Exceptions:</i> <ul style="list-style-type: none"> • Parental Leave has no hour requirement • Oregon Military Leave average hours requirement is 20 hours per week

When counting the number of hours worked, the District counts all hour the employee actually worked, including hours worked during temporary employment and qualifying absences for military leave. Paid leave or unpaid leave time **does not** count as hours worked for eligibility purposes.

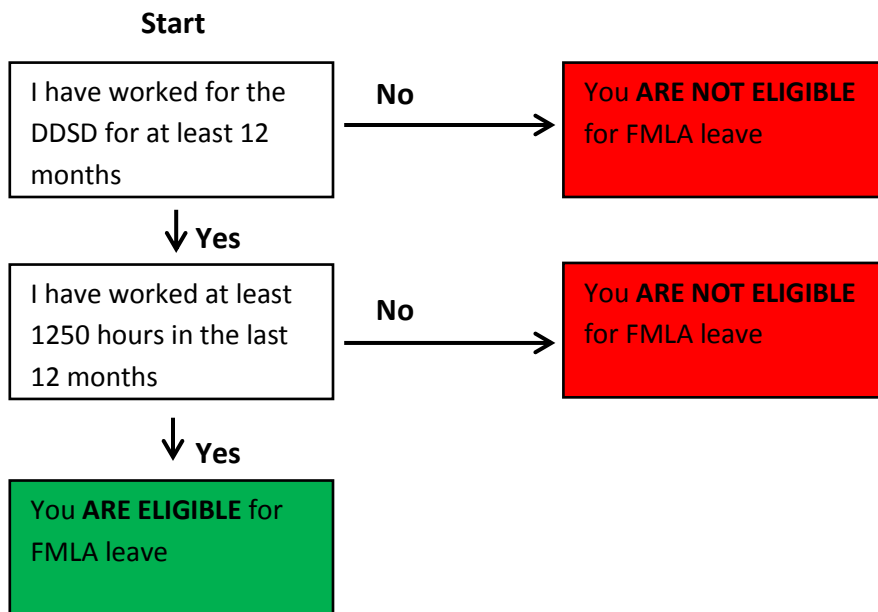
What if I don't want to use FMLA and/or OFLA leave?

If you are an eligible employee who is absent from work for a reason that qualifies under FMLA or OFLA leave, the District has no choice but to designate the absence as FMLA, OFLA, or both. The desire to “save FMLA and OFLA until later” is not a factor. FMLA and OFLA leave are not benefits; they are an entitlement that must be applied as the need occurs.

Am I eligible for OFLA leave?



Am I eligible for FMLA leave?



When can I use FMLA/OFLA leave?

You may take FMLA and/or OFLA leave for a variety of reasons. Refer to the chart below to determine if the reason for the leave qualifies under FMLA, OFLA, or both.

FMLA Eligible	OFLA Eligible
Employee's own serious health condition. Includes disability related to pregnancy or childbirth.	Employee's own serious health condition. Includes disability related to pregnancy or childbirth* <i>*May be entitled to additional leave if for pregnancy related reasons (OR Parental)</i>
Care of an eligible family member with a serious health condition	Care of an eligible family member with a serious health condition
Parental leave to care for/bond with a newborn, newly placed adopted or foster child under the age of 18 (or incapable of self-care)	Parental leave to care for/bond with a newborn, newly placed adopted or foster child under the age of 18 (or incapable of self-care)
	Sick Child Leave for a non-serious health condition
	Bereavement Leave (up to 2 weeks of leave)
Military Caregiver	

Qualified Exigency for a covered military member's call to active duty	
	Military leave related to the deployment of an employee's spouse or registered same-sex domestic partner.

Who is an Eligible Family Member under FMLA?

Refer to the chart below.

FMLA Eligible Family Member	OFLA Eligible Family Member
Spouse	Spouse Domestic Partner, Registered (<i>same gender</i>)
Son or Daughter <ul style="list-style-type: none"> • 17 yrs/old or younger • If 18 or older and incapable of self-care due to mental or physical disability 	Child <ul style="list-style-type: none"> • No age distinction Child of Domestic Partner <ul style="list-style-type: none"> • No age distinction
Parent <ul style="list-style-type: none"> • Can be individual who stood <i>in loco parentis</i> 	Parent <ul style="list-style-type: none"> • Can be individual who stood <i>in loco parentis</i>
	Grandparent Grandchild

What is a Serious Health Condition?

A serious health condition is an illness, injury, impairment, physical or mental condition that incapacitates you or a family member for 3 consecutive days or longer, and involves at least one of the following:

- **Hospital Care** - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- **Absence Plus Treatment** - A period of incapacity of more than three consecutive calendar days including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - ✓ Two or more treatments by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - ✓ One treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider.

- **Pregnancy** - Any period of incapacity due to pregnancy related disabilities, or for prenatal care.

Chronic Conditions Requiring Treatments - A chronic condition exists when the condition:

- Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

Permanent/Long-term Conditions Requiring Supervision - A permanent or long-term condition(s) requiring supervision is defined as a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

Multiple Treatments (Non-Chronic Conditions) - Any period of absence to receive multiple treatments (including any period of recovery time) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Important definitions for understanding what qualifies as a Serious Health Condition:

Incapacity is the inability to work, attend school, or perform other regular daily activities due to a serious health condition or treatment for, or recovery from a serious health condition.

Treatment includes examinations to determine if a serious health condition exists and/or evaluations of the condition. It does not include routine physical, eye or dental examinations.

What is NOT a Serious Health Condition?

Examples of what would generally not be considered a serious health condition may include:

- Common cold
- Treatment for acne
- Flu Headache (other than migraines)
- Earaches Routine medical or dental visits
- Sore throat Plastic surgery for cosmetic purpose

Any of the above may become a serious health condition if medical treatment is sought and you or your family member are incapacitated for 3 or more calendar days.

How much FMLA and OFLA leave do I get?

An eligible employee has up to 12 weeks of unpaid leave available during the 12-month “rolling backward” leave year. Some reasons for leave qualify under both FMLA and OFLA and some reasons qualify only under one of the leave laws. Leaves qualifying under both FMLA and OFLA are designated at the same time and run concurrently.

Leave entitlement for part-time employees. If you are a part-time employee your leave entitlement will be pro-rated. For example, if you normally work 30 hours per week, you are entitled to up to 12 weeks of leave at 30 hours per week.

More than one qualifying condition. You may need FMLA or OFLA leave for more than one qualifying condition at the same time or during the same leave year. Having more than one qualifying condition does not extend or increase your leave entitlement.

Additional leave entitlements under OFLA. You may be entitled to additional leave under the following circumstances:

- You are a woman and use pregnancy disability leave; you may take an additional 12 weeks of OFLA leave during the leave year for any OFLA qualifying purpose.
- You used a full 12 weeks of Parental leave under OFLA.

Limitations to FMLA leave when both spouses work at DDSD. If you and your spouse work for DDSD, you must share the 12 weeks of FMLA entitlement when the leave is taken for:

- Parental leave (birth, adoption, or foster child placement); or
- To care for a parent with a serious health condition.

Limitations to OFLA leave when two family members work at DDSD. If you and a family member both work for DDSD, you may not take OFLA leave at the same time unless:

- One employee needs to care for the other employee who is suffering from a serious health condition;
- One employee needs to care for a child who has a serious health condition while the other employee is also suffering from a serious health condition;
- Both family members are suffering from a serious health condition; or
- Family members each want to use bereavement leave.

When can I take Intermittent Leave or work a Reduced Work Schedule?

Reasons for Leave	Intermittent Leave or Reduced Work Schedule
Parental Leave	FMLA & OFLA: Employee must take leave in one continuous block
Pregnancy Disability or Prenatal Care	FMLA & OFLA: Permitted when medically necessary
Serious Health Condition of Employee or Covered Family Member	FMLA & OFLA: Permitted when medically necessary
Bereavement	OFLA: Permitted as needed; verifying documentation may be required
Qualifying Exigencies Leave for an employee whose spouse, child, or parent is on active duty or is called to active duty status to take care or duties	FMLA: Permitted as needed
Military Caregiver Leave	FMLA: Permitted as medically necessary
Oregon Military Family Leave Act	OFLA: Permitted as needed

Requirements for Intermittent Leave or a Reduced Work Schedule

If you take time intermittently or work a reduced work schedule, you must be able to perform the essential functions of your job while you are at work. If you are unable to perform your job responsibilities while at work, you may be required to take continuous leave. The use of intermittent leave or working a reduced work schedule requires you and your supervisor to work together to balance work and family. Conversations and exploring alternatives are the best way to resolve conflicts that might occur. If a situation arises that is not easily resolved between you and your supervisor, contact Leave Coordinator before any action is taken. If modifications to the job duties are requested, you or the supervisor must contact Leave Coordinator before any action is taken.

What if I am off work due to a Workers' Compensation Claim?

When you are absent from work due to a disabling compensable injury or you have a pending determination of a workers' compensation claim, FMLA leave will run concurrently if you meet eligibility requirements. OFLA leave will begin if your workers' compensation claim is denied or you refuse an offer of transitional work if you meet eligibility requirements. If you are receiving time loss payments from SAIF, the time loss is to be recorded as EAWP (Excused absence without pay) on your timesheet. You can choose to supplement your worker's compensation payments by using your accrued sick leave.

Will my insurance continue while I am on FMLA or OFLA leave?

FMLA or FMLA/OFLA Leave –

- Your health insurance (medical, vision, dental, basic life) is continued if you use any amount of FMLA leave during the month.
 - ✓ DDSD will continue to pay the same employer contribution toward your coverage even if you go into leave without pay status.

- ✓ You must continue to pay your portion of the premiums to avoid cancellation of your coverage. *Refer to Paying Your Premiums below.*
- ✓ Your optional benefits (life, disability, FSAs) will continue as long as you work or use sufficient paid leave to continue your coverage; or by self-paying your premiums.

Paying Your Premiums.

If you will be receiving a pay check from the District while you are out on leave, the automatic payroll deductions will take any portion of your premiums that you are responsible for just as if you were working. If you run out of paid leave and are in an Excused Absence Without Pay status, you are still responsible for paying your portion of your benefit premiums. This is the out-of-pocket amount that the District fringe cap does not cover. These premiums can be paid in one of three ways.

- In advance or Pre-Tax, to be taken out on the last pay check you receive.
- Retroactively or Post-Tax, not to exceed 10% of your gross earnings until the amount you owe is completely paid back to the District.
- While you are out on leave, through invoicing.

How do I request FMLA or OFLA leave?

You may request a leave of absence by completing an applicable Medical Leave Packet to initiate the process. Packets can be found on the District website and or you can contact the Leave Coordinator. Your initial notification can be provided by calling your supervisor or applying for protected leave (FMLA/OFLA). You are not required to specifically ask for FMLA or OFLA leave for your first leave request, but you do need to provide enough information so the District is aware your absence(s) may qualify under the family medical leave laws. The basic information would be:

- That you need a medical, family, or military leave
- Who the leave is for; you, your spouse, your child, etc.
- How long you need to be out and in what capacity; continuous, intermittent, reduced work-schedule

For example, you do not have to tell your supervisor or the District your diagnosis, but you do need to provide information such as, “I’ve been to the doctor and have been given antibiotics and told to stay home for 4 days.” Once a condition has been approved for FMLA or OFLA leave and you need additional leave for that condition, your request must mention that condition or your need for FMLA or OFLA leave.

Do I need to provide advance notice of my need for FMLA or OFLA leave?

You must provide the District with appropriate notice for your need for leave.

- ✓ You must generally give 30 calendar days advance notice for planned absences (paid or unpaid).
- ✓ If you learn of your need for leave less than 30 days in advance, you must give your notice as soon as you can. Generally, within two working days after you learn of the need for leave.
- ✓ If you need FMLA and/or OFLA leave unexpectedly (an emergency), you must inform the District as soon as possible. Because FMLA and OFLA are not optional, given sufficient information, the District can designate leave as FMLA and OFLA without your agreement. DDSD will give you notice when FMLA and OFLA leave is invoked, specifying the reasons for such actions.

What are the leave request and call-in procedures I must follow?

You must follow the District's usual notice and call-in procedures unless you are unable to do so (i.e., you are receiving emergency medical care). This applies to the very first notification that there is a need for leave as well as any ongoing intermittent absences once your claim has been initiated. If you are unable to submit your request due to the nature of your condition/emergency contact your supervisor and give them the basic information.

What happens after I request FMLA or OFLA leave?

Notice of Eligibility. After you make a request for FMLA or OFLA leave, the Leave Coordinator will generally let you know within 5 business days if you are eligible for the leave entitlement and if additional information is needed such as the medical certification.

Leave Number. A Leave Number will be issued to you, after you make your initial request for leave. If you need leave for multiple different qualifying reasons, then you will have multiple different leave numbers. For intermittent leaves, you will be required to report your Leave Number every time you report an individual intermittent absence.

Medical Certification. You may be required to submit the Medical Certification form for your own or your family member's serious health condition. The form is taken to your medical provider and provides the District with information to determine if your reason for the leave qualifies under FMLA and OFLA. At times, the District may have enough information to designate FMLA or OFLA leave without requesting medical certification. The medical certification form must be returned within 15 days or your leave can be denied. If your leave is denied it means that you do not have job protection under FMLA and OFLA.

Final Determination. Once the District has enough information, you will be informed whether your absences qualify as FMLA and/or OFLA. You will also receive information on how much FMLA and/or OFLA leave time you have available, requirements to use your paid leave, information about your insurance, your reinstatement rights, and if you will be required to provide a Fitness for Duty Certification or status report before returning to work if you are absent for your own serious health condition.

Medical Re-certification. When applicable recertification may be requested by the District no more often than every 30 days unless:

- ✓ An employee requests an extension of leave;
- ✓ The duration or nature of the condition has changed significantly; or
- ✓ The District receives information casting doubt on the employee's reason for the absences.

If I'm on an FMLA/OFLA intermittent leave, how do I report my absence?

Every time you are absent related to an open intermittent leave of absence, you are responsible for:

- ✓ Notifying your Supervisor.
- ✓ Notifying the Leave Coordinator by email or phone.
- ✓ Reporting what type of paid leave code you want to use for your absence on your appropriate timekeeping system (Timecard, TimeClock+, and Absence Management). You will be issued a Leave Number for your intermittent leave by the Leave Coordinator. Every time you report an intermittent absence, the Leave Number must also be reported.

What are the expectations when I return from FMLA/OFLA leave?

Under the leave laws, you are expected to complete the essential functions of your position when not on FMLA and OFLA leave. You need to work with your health care provider to determine the appropriate date of your return if your leave was for your own serious health condition. The District may request, but generally does not require, you to provide a work release or status report prior to returning from FMLA and OFLA leave.

Restrictions to work duties are not protected under the leave laws. If you anticipate ongoing restrictions that may impact your job, you should work with the Leave Coordinator to determine if any accommodations can be granted.

Fitness for Duty – you will be required to provide a statement from your medical provider verifying you are able to return to work and if you have any limitations if you were absent because of your own serious health condition.

What happens to my job when I take FMLA and OFLA leave?

Your reinstatement rights vary slightly depending on whether you are returning from FMLA or OFLA qualifying leave.

FMLA-only leave: You have the right to be restored to the position you held prior to your leave or to an equivalent position. An equivalent position is one that is nearly identical to your former position in terms of pay, benefits, and working conditions and involves the same or substantially similar duties and responsibilities.

OFLA-only or FMLA/OFLA leave: You have the right to be restored to the same position you held when your leave began. Once the employee has been reinstated, the District may not be required to continue the employee's employment if the employee would have otherwise been laid off or terminated. The reinstated employee may be held to the same standards for performance, termination or layoff as other employees.

Exceptions to reinstatement rights upon return from FMLA and OFLA leave.

The District's obligation to restore you to the same or an equivalent position ceases:

- ✓ If and when the employment relationship would have terminated either through a termination or layoff action if you had not taken leave (e.g., contract ends);
- ✓ You inform the District of your intent not to return to work at the expiration of the leave;
- ✓ You fail to return to work at the expiration of the leave;
- ✓ You are unable to perform an essential function of your position and reasonable accommodations are not appropriate; or
- ✓ You continue on leave after exhausting your leave entitlement in the 12-month period.
- ✓ If you exhaust your FMLA/OFLA leave and remain off work, your right to reinstatement will be governed by the non-FMLA/OFLA leave policy, or other applicable laws, such as those relating to worker's compensation for workplace injuries.

How do I add or remove a dependent from my health insurance?

If you lose and/or gain a dependent while on FMLA/OFLA leave, you will need to complete a Midyear Change Form and submit it to the, Benefits Coordinator within 31 days of the effective change.

Restricted Access to Medical Information

Medical information relating to FMLA and OFLA leaves, whether verbal or written, will be kept confidential to the extent possible. Information will be shared on a need-to-know basis only. All medical documents including, but not limited to, medical certifications will be maintained in restricted access files separate from personnel files within the HR. The employee's supervisor is not to have any contact with the employee's health care provider regarding the employee's leave or medical condition while the employee is on FMLA/OFLA authorized leave. Should HR question the adequacy or the completeness of a medical certification provided by an employee's health care provider, the District may obtain clarification and authenticity (with permission from the employee). If the employee declines to give HR permission to inquire, through the District's health care provider, the employee's absence may not qualify as FMLA/OFLA leave.

Outside or Supplemental Employment

The District prohibits unauthorized work for another employer while you are on FMLA or OFLA leave from DDS. If you violate this policy, the District is not required to reinstate you to the position you held or an equivalent position following leave covered by FMLA or OFLA.

For questions and/or additional information

Human Resources, Leaves

Location/Mailing: 11300 NE Halsey St. Portland, OR 97220

Email: HRLeaves@ddsd40lorg

Phone: (503) 261-8416

Fax: (503) 261-0130

Maternity Leave is actually a combination of Family Medical Leave for an employee's own personal health condition and parental leave to bond with their newborn. A pregnant employee would take leave for their own serious health condition for conditions related to the pregnancy. This can include absences for morning sickness, prenatal doctor appointments, delivery, and then recovery from the birth. FMLA provides up to a total of 12 workweeks of leave to cover the employee's serious health condition and bonding with the newborn.

OFLA leave provides additional leave for pregnant employees that have taken any amount of leave for their own personal health condition when that leave is related to her pregnancy. OFLA allows for up to 12 workweeks of parental leave beyond the leave taken for the employee's own serious pregnancy related health condition. Medical certification may be requested if you experience complications during your pregnancy and/or leave is requested to begin more than one week prior to your due date. DDSD will create one leave case for the standard six week recovery period after the birth toward your own serious health condition. Another leave case will then be created for parental leave. A medical certification form will need to be submitted if the recovery period indicated by your physician exceeds the six week period.

Example: Judy Doe has applied for protected leave for her own serious health condition due to her pregnancy. She qualifies for both FMLA and OFLA. Her due date is April 14, 2016 and she is requesting leave to begin April 7, 2016. She has not taken any other leave for morning sickness or prenatal visits prior to April 7th. She plans on being absent from work for a total of 13 weeks (one week before the due date, 12 weeks after the due date). She has the baby exactly on her due date.

- ✓ Protected Leave is assigned for the time period of April 14 – May 23, 2016, and is comprised of:
 - ✓ FMLA leave
 - ✓ OFLA leave for her own serious health condition
 - ✓ New Protected Leave Case Segment is assigned effective May 24, 2016 (after the six week recovery period) through July 4, 2016, and is comprised of:
 - ✓ FMLA leave through June 27th (end of the 12 weeks)
 - ✓ OFLA leave for parental leave through July 4, 2016.

In this example, Judy receives:

- ✓ 12 workweeks of FMLA leave,
- ✓ 7 workweeks of OFLA leave for her own serious health condition/pregnancy related, and
- ✓ 6 workweeks of OFLA parental leave.

During the remainder of the designated leave year, Judy will have up to 5 workweeks (12 weeks - 7 weeks) of OFLA leave available for any other OFLA qualifying event (e.g., her own or a qualifying family member's serious health condition or bereavement leave).

APPENDIX B: STANDARD INSURANCE

Maternity Claim Guidelines for Disability Claims

Maternity members are considered disabled when, as a result of their pregnancy, they are unable to perform with reasonable continuity the material duties of their own occupation. Please refer to the group policy for the exact definition of disability.

For members with **sedentary** occupations whose pregnancy is normal and uncomplicated, the disability period begins on the cease work date recommended by the member's physician (not earlier than two weeks before the expected date of delivery) and ceases six weeks after delivery, both vaginal and caesarean section.

For members with **light to heavy** occupations whose pregnancy is normal and uncomplicated, the disability period begins on the cease work date recommended by the member's physician (not earlier than four weeks before the expected date of delivery) and ceases six weeks after a vaginal delivery or eight weeks after a caesarean section delivery. Unless the member's physician indicates otherwise, we will usually rely upon these guidelines when determining the length of disability. If the physician indicates that the member's disability will exceed these guidelines, we will request detailed information to support prolonged disability. Disability benefits are paid only while the member is unable to work at her own occupation. **The actual amount and length of benefits paid is based upon the group policy.** No benefits will be paid for periods of child-parent bonding, breast feeding or child illness. Family and medical leave laws are designed to protect the member's right for reinstatement after her leave ends and guarantees that she will not lose certain employment rights that accrued prior to the leave. These laws do not impact how and when disability benefits are paid. Disability benefits will be paid in accordance with the terms of the group policy.