

Leave of Absence & Family and Medical Leave Act

Leave of Absence

The beginning date of the leave of absence should be the date any accrued leave is exhausted (sick leave, donated leave, annual leave or personal days).

The employer must enter the leave of absence status and beginning date in the Employer Portal when an employee is granted an official leave of absence. Upon return to work, employees who paid for their insurance while on an authorized leave of absence cannot pick up new insurance coverage that they did not have while on leave. (See **Exception**)

Employees who do not pay for their insurance while on an official leave of absence or have a break in coverage can enroll as new employees the day they return to work, the first day of the month after they return to work, or October 1. PEEHIP must receive a new [HEALTH INSURANCE AND OPTIONAL ENROLLMENT APPLICATION](#) before the member can be enrolled. The employee and his eligible dependents will be required to serve a 270-day waiting period on all pre-existing conditions with the Hospital Medical coverage if proof of previous coverage is not received and approved by PEEHIP.

Employees who continue insurance coverage while on leave must wait until the Open Enrollment period to make insurance changes for an October 1 effective date.

Exception: Employees enrolled in one or more Optional Plans while on leave of absence can add the remaining Optional Plans when he or she becomes eligible for a full allocation. However, employees enrolled in one or more Optional Plans while on leave cannot enroll in a Hospital Medical Plan until Open Enrollment.

When the employee returns to work, the employer must update the Employer Portal and enter the hire status as the date the leave of absence terminated.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 requires employers to continue health benefits to employees taking FMLA Leave.

Eligibility

Employees are eligible for leave under FMLA if they have worked 1,250 hours over the prior 12 months and if they have worked for a covered employer for at least one year. (Although bus drivers are classified as full-time, normally they do not work 1,250 hours.)

Conditions

- ◆ Leave earned under FMLA is for a maximum of 12 weeks not 3 months.
- ◆ Employees must provide a 30-day notice for foreseeable leave. Leave under FMLA cannot be granted retroactively.
- ◆ Leave granted under FMLA cannot and should not be applied to the summer months for 9-month employees or during any time that the employee is not required to be at work. FMLA should begin when member is required to be at work.
- ◆ If an employee earns an extra summer allocation under the 3-1 Rule, that month should be applied to the end of the 12 weeks that were granted under FMLA.

- ◆ An employee cannot earn the insurance allocation under FMLA if he or she is retiring or not returning to work unless the reason for not returning to work is a serious health condition or circumstance beyond the control of the employee.
- ◆ The school system will collect premiums while the employee is on leave under FMLA and should collect premiums for any extra months earned under the 3-1 Rule.
- ◆ Employers must enter the FMLA status and beginning date in the Employer Portal when an employee is granted FMLA.
- ◆ Employees on FMLA do accrue extra insurance allocation while on leave under FMLA. Therefore, the 3-1 Rule does apply while an employee is on FMLA.
- ◆ Employers must enter the new status and ending date in the Employer Portal when the FMLA benefit ends.