

Family Medical Leave (FMLA/OFLA) Notice of Rights and Responsibilities

- **Eligibility:** FMLA regulations state that the employee must have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave;

OFLA regulations state the employee must average 25 hours a week in the 180 days prior to the leave for Family and Medical Leave (to care for themselves or a family member); or simply work 180 days for Parental Leave (for birth or adoption of child).

- **Entitlement:** In most cases employees have a right under FMLA/OFLA for up to 12 workweeks of unpaid leave in a 12-month period calculated as a “rolling” 12-month period measured backward from the date of any FMLA/OFLA leave usage. Each time an employee takes FMLA/OFLA leave the remaining leave entitlement would be any balance of their FMLA/OFLA entitlement which has not been used during the immediately preceding 12 months.

Leaves that qualify as both FMLA and OFLA will run concurrently. Where the law allows, all approved leaves, whether paid or unpaid, are counted against an employee's annual FMLA and OFLA leave entitlement under this policy and the law.

Parental leave must be completed within one year from the date of birth or placement.

FMLA allows an eligible employee to take up to 26 weeks of job-protected leave in a single 12-month period to care for a covered Servicemember with a serious injury or illness.

Details on exceptions to these entitlement limits can be found in the [Family & Medical Leave Guide](#).

- **Workers' Compensation Injuries:** OFLA's definition of “family leave” excludes leave taken by an employee who is unable to work because of a “disabling compensable injury”, therefore, a leave of absence which qualifies as an accepted disabling workers' compensation claim will **not** run concurrently with OFLA leave. If your claim is denied or if it is accepted and you refuse an offer of a modified duty assignment, OFLA leave will immediately begin if you meet eligibility and purpose requirements.

If your medical provider has authorized you to be off work due to a Workers' Compensation claim which also qualifies as FMLA you will use the code FOJ on your timesheet. Any time coded to FOJ will be paid through your Workers' Compensation claim and will **not** affect personal leave balances.

- **Intermittent Leave:** Employees eligible for FMLA and/or OFLA leave may take the time off in multiple blocks of time or on a reduced schedule (hourly increments or intermittently) provided there is a medical need for the reduced schedule and only with a supervisor's approval.
- **Call In Procedures:** While on leave you will be required to furnish us with periodic reports of your status and intent to return to work as described by the applicable union contract for represented employees or the APM for Non-Represented employees.
- **Medical Certification:** If you are required to provide a Medical Certification, the City of Eugene Benefits Leave Team will give you a Medical Certification Form to take to your medical provider. The City uses the information provided to determine if your reason for leave qualifies under FMLA or OFLA. The Medical Certification must be returned within 15 days or your leave can be denied. (Denied leave means you do not have job protection under FMLA or OFLA.) The City has the right to request second or third opinions for Medical Certifications. The City will reimburse you for any out-of-pocket costs for obtaining a required Medical Certification that are not covered by your insurance. Contact Risk Services for the City's procedure for requesting reimbursement. If it is determined the information in the Medical Certification does not validate the necessity for Family & Medical Leave your time off will not be designated as FMLA/OFLA and therefore will not be protected under the leave laws.

- **Timesheet Coding:** Leave requested under the Federal Family and Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA) must be approved by Risk Services prior to coding FMLA or OFLA codes on timesheets. Once approved your FMLA and OFLA leave needs to be entered correctly using the appropriate timesheet code: [Family & Medical Leave Timesheet Codes](#).

City policy requires that employees exhaust all applicable accrued leave balances for time away from work for an FMLA/OFLA qualified event before coding unpaid leave. For additional information, please refer to the applicable bargaining union contracts available on the City of Eugene website or the Administrative Policy Manual available on the City's website.

- **Group Health Insurance:** FMLA/OFLA requires that the City maintain the employee's group health insurance coverage during their FMLA/OFLA entitlement, under the same conditions as if the employee were still working. The City will maintain your group health coverage at the same level as prior to your leave until the end of the month in which you exhaust your FMLA/OFLA leave entitlement or until the end of the month in which you exhaust your paid leave accruals, whichever is later.

If a payroll deduction was required to pay a portion of the health insurance premium, that amount will continue to be deducted. If you exhaust your paid leave accruals resulting in a leave without pay, you will be required to remit that premium payment directly to the Benefits Program in Risk Services.

The City may recover employer-paid medical premiums (for those months you are on leave without pay) if you fail to return from FMLA/OFLA leave, EXCEPT if you do not return because of:

- The continuation of a serious health condition,
- The recurrence or onset of a serious health condition,
- Other circumstances beyond your control.

- **Leave Donations:** If you are unable to work and will exhaust all accrued leave due to your own or a family member's non-occupational serious health condition, and will be in an unpaid leave status for at least two calendar weeks, you may be eligible to apply for leave donations. Additional information and request forms are available on the Employee Benefits [Leaves of Absence](#) website.
- **Both Parents Employed by the City of Eugene:** If you and your spouse both work for the City of Eugene you can be required to share the 12-week FMLA entitlement for Parental leave (for the birth, adoption, or foster child placement) or to care for a parent with a serious health condition. Under special circumstances, the City may allow spouses to both use their full entitlements.

When two eligible family members work for the same covered employer, both employees may take OFLA leave at the same time only under the following circumstances:

- One employee needs to care for the other employee suffering from a serious health condition; or
- One employee needs to care for a child suffering from a serious health condition while the other employee is also suffering from a serious health condition; or
- Both family members are suffering from a serious health condition; or
- The employer approves the concurrent leave.

- **Job Reinstatement:** You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-/OFLA-protected leave. (If your leave extends beyond the end of your FMLA/OFLA entitlement, you do not have return rights under FMLA/OFLA.)

For more information on Family and Medical Leave, see Section 11.1 of the City of Eugene Administrative Policies Manual (APM).

If you have questions about Family Medical Leave or Leave Donations, please contact us by email at COEBenefitsLeaveTeam@ci.eugene.or.us or by phone at 541-682-5913 or 541-682-5780.