



Division:	Human Resources (HR)
Title:	Standard Operating Procedures
Procedure:	Family and Medical Leave Act (FMLA) and Family Illness Leave (FIL)
Original Effective Date:	5/17/05
Revised Effective Date:	

Procedure:

NOTE: Family Medical Leave (FML) – This benefit provides reasonable unpaid (1) Family and medical leave for the birth of a child and to care for the newborn child; for the placement of a child with the employee for adoption or foster care; for the care of a child, spouse or parent who has a serious health condition; for the employee's own serious health condition; (2) Qualifying Exigency for families of covered members and (3) Military Caregiver Leave (also known as Covered Service Member Leave). Family Illness Leave (FIL) – Benefit provided for child, spouse or parent. It is not provided for the employee's illness.

1. Upon request of employee or unit supervisor, or when you are aware that the employee's leave may be for an FML-qualifying reason, the employee must be notified (oral or in writing) of their eligibility to take FML/FIL within five (5) business days absent extenuating circumstances.
2. Employee completes [DHHS FML/FIL Request Form](#).
3. The Health Care Provider completes the [Certificate of Health Care Provider Form \(OSP Form\)](#) to care for a child, spouse, parent or their own serious health condition.
 - a) The employee completes the [Certificate of Qualifying Exigency for Military Family Leave](#) if an employee wants to take leave due to a qualified exigency.
 - b) The employee and their Health Care Provider complete the [Certification for Serious Injury or Illness of Covered Service member for Military Family Leave](#) if the employee wants to care for a covered service member who has a serious injury.
4. Provide written notice to employee of FML/FIL request which should include determination of designation, if the leave will count against the employee's annual FML leave entitlement, requirements to furnish certifications if necessary, maintenance of benefits while on leave of absence (LOA), specific expectations and obligations of the employee and any consequences of a failure to meet these obligations. Please provide a copy for the employee's supervisor within five (5) business days absent extenuating circumstances as well as an approved FML/FIL leave request form. Click on each of the following for template FML/FIL letters.
 - [Family Medical Leave Approval Letter](#)
 - [Family Illness Leave Approval Letter](#)
 - [Family Medical Leave Provisional Designation Letter](#)
 - [Family Medical/Family Illness Leave Denial Letter](#)
 - [Health Plan Listing](#)
5. The HR Data Maintainer for your agency is responsible for placing the employee on a LOA with FML/FIL being the reason in Beacon. Please note: To prevent payroll errors, a best practice is for you (HR) to be responsible for the exhaustion of leave while an employee is out on LOA in **Infotype 2001**. After the employee returns to work, then the timekeepers can begin to record their time again on their timesheet.
Please refer to Beacon Help at <http://help.mybeacon.nc.gov/beaconhelp/index.html> if you need more assistance on this process.
6. **This is separate from a LOA action** but maintain a tracking record to document the amount of FML/FIL taken and remaining balance available during the employee eligibility period using transaction **PTFMLA** (FML Workbench) in Beacon. This transaction handles all processes related to the management of FML/FIL events including tracking the amount of leave used for FML/FIL.
7. Do not file with employee's personnel file, file in a separate file. FMLA/FIL files/records are subject to inspection/audit by the U.S. Department of Labor. Retain FMLA/FIL files for 3 years.

Refer to [State Personnel Manual](#), Section 5 (Leave) or [Website](#) under Personnel Policies, Section 5 (Leave).