

## FMLA/STIR Checklist for Supervisors and Staff

During the FMLA/STIR leave, staff must remain in contact with their supervisor regarding their status as frequently as the supervisor deems appropriate and necessary under the circumstances. For staff on approved FMLA/STIR leaves that extend more than 30 days, contact must be made at a minimum of every 30 days to supervisor. For absences due to Intermittent FMLA, staff must notify supervisor and CareWorks for every absence.

The University requires staff to use available paid incidental and vacation time **first** to the extent available, before the leave becomes unpaid. Refer to chart below regarding all other FMLA/STIR leaves. Before staff can return from a leave for their own serious health condition, the staff must present certification from their health care provider at least 7 calendar days prior to their return to work on the [Return to Work/Work Release](#) form that they are fit-for-duty and able to return to work.

- Understand the FMLA/STIR leave**
  - Review all communication sent by the CareWorks.
  - Questions should be directed to CareWorks at (888) 436-9530, 8 am - 8 pm EST, Monday through Friday.
  
- Verify eligible University paid time (incidental/vacation) available for corresponding FMLA/STIR leave**
  - Refer to “Paid Time Required” chart below.
  - To view balances:
    - Supervisor: Access the Absence Report and MyTimeOff application through insideND
    - Employee: view “Leave Balances” through insideND.
  
- Communicate regularly**
  - Continuous FMLA/STIR – staff must communication a minimum of every 30 days to supervisor and vice versus.
    - Supervisors may request communication more frequently as the supervisor deems appropriate and necessary under the circumstances.
  - Intermittent FMLA - staff must notify supervisor and CareWorks within 24 hours of *every* absence.
  
- Report paid time used to Payroll Services *weekly***

Staff required to use available paid time **first**, to the extent available, before the leave becomes unpaid. (Should the staff member’s leave go unpaid at any point, refer to the “Unpaid leave” section)

  - **Exempt Salaried Staff**
    - Report through MyTimeOff.nd.edu.
    - Use applicable Leave Type.
  - **Non-exempt Salaried Staff**
    - Report by completing the **Weekly Report of Absence and Overtime Form** (supervisor may sign for the staff member in their absence): [http://controller.nd.edu/assets/93489/absence\\_ot\\_form.xls](http://controller.nd.edu/assets/93489/absence_ot_form.xls)
    - Use applicable leave codes.
    - Forward to Payroll weekly.
    - Make copies of Absence and Overtime forms for departmental tracking records.
  - **Non-exempt Hourly Staff**
    - Report through Ultra-time.
    - Use applicable leave codes.
  - **Non-Faculty Researcher Staff**
    - Refer to benefits summary for Non-Faculty Researchers full-time [http://hr.nd.edu/assets/185732/p1\\_benefit\\_summary\\_2016\\_121245.pdf](http://hr.nd.edu/assets/185732/p1_benefit_summary_2016_121245.pdf)
    - All time is tracked internally by the Office of Research/supervisor
  - **Reporting Time for Birth of Child Leave (for Exempt and Non-Exempt)**
    - FMLA regulations allow for up to 12 weeks unpaid job protection.
    - STIR provides disability pay (typically 6-8 weeks) while under physician’s care.
    - Once a staff member is released from physician’s care, paid parental leave and vacation time (as available) **must** be used. Any additional time up to the maximum of 12 weeks is unpaid.

- Unpaid leave (if applicable)**
  - Complete a **Leave of Absence Form** (LOA) to place the staff member on unpaid leave.
    - Exempt – **any** unpaid time must be reported via the LOA form.
    - Non-Exempt - Unpaid for 2 weeks or longer. (Less than 2 weeks is reported via the A&O form)
  - Forward LOA form in a timely manner to the Office of Human Resources: [http://hr.nd.edu/assets/60818/leave\\_of\\_absence\\_form\\_2012.xls](http://hr.nd.edu/assets/60818/leave_of_absence_form_2012.xls)
  - In the event an **overpayment** - staff member is responsible for repaying the overpayment. The supervisor/staff member are responsible to work directly with Payroll Services 1-7575.
  - Return staff member from an **unpaid** leave - complete a **Staff Personnel Action Form**. Forward this form in a timely manner to the Office of Human Resources: [http://hr.nd.edu/assets/20190/staff\\_paf10.xls](http://hr.nd.edu/assets/20190/staff_paf10.xls)

- Return to Work/Work Release form (required for full-time continuous leave only)**
  - Staff member **must** present certification from their health care provider on the [Return to Work/Work Release](#) form at least 7 calendar days **prior** to returning to work.
  - The staff member faxes this form to CareWorks (888-436-9535).
  - Supervisor reviews Return to Work/Work Release form:
    - Restrictions:
      - If cannot accommodate - staff works with CareWorks to remain out on FMLA/STIR
      - If can accommodate – supervisor works with staff on accommodation
      - If restriction for 6 months or longer - work with Office of Institutional Equity.
    - No Restrictions: staff member returns to work as of date indicated
  - Any missed vacation accrual while on approved unpaid FMLA leave will be add back to the staff member’s vacation bank upon return to work by Human Resources.

Reason for Leave	Circumstances in Which Paid Time Must be Used during FMLA			
	Incidental	STIR	Parental Leave	Vacation
Employee’s Own Serious Health Condition	X	X*		X
Birth of a Child ( Mother)	X **	X*	X	X
Adoption, Foster Care Placement, or Birth/Care of a Child (Both parents)			X	X
Serious Health Condition of Spouse, Child or Parent	X			X
Military Qualifying Exigency	X			X
Military Caregiver Leave	X			X

\* If approved by CareWorks  
 \*\* Incidental days until released to work by health care provider

**Human Resources:**  
 askHR Customer Service Center  
 200 Grace Hall, Notre Dame, IN 46556  
 Phone: 574-631-5900 | Fax: 574-631-6790  
 Email: askhr@nd.edu  
 Web: [hr.nd.edu](http://hr.nd.edu)

**Risk Management & Safety (Workers’ Compensation):**  
 Phone: 574-631-5037  
 Web: <http://riskmanagement.nd.edu>

**CareWorks:**  
 Hours: 8:00 am – 8:00 pm ET M–F | Phone: (888) 436-9530  
 Fax: (888) 436-9535  
 Web: <https://timeoff.careworksabsence.com>

**Office of Institutional Equity (ADA Accommodation):**  
 OIE webpage: <http://equity.nd.edu/>  
 • Click the link “Individuals with Disabilities”  
 • Click “Employee Accommodation Process.”  
 Phone: 574-631-0444  
 Email: [mpaskell@nd.edu](mailto:mpaskell@nd.edu)