

# CASE SCENARIO # 1

An employee has been out of the office for four (4) days. The employee contacts their supervisor/manager to advise that they have had surgery and will be out for another week using their sick time. The employee has not initiated a leave claim with LFG and does not want to bother with the process.

**Response:** The employee should be advised to immediately submit a claim to LFG. It is not OK for employees to use sick time more than 5 business days. When an FMLA claim is submitted, STD is also processed for employee.

If the leave can be substantiated, FMLA will be approved to provide job protection and STD will provide payment if an employee runs out of accrued time. Recovering from surgery could take weeks or months. It is always encouraged that employees submit a claim in these circumstances.

# CASE SCENARIO # 2

A pregnant employee who works remotely, has been out from work for a week and starts working again the following Monday. The supervisor/manager understands that the employee delivered her baby but has returned to work. The employee has not initiated a claim with LFG or provided an RTW form.

**Response:** Employee should be advised to submit a claim LFG. Under FMLA the first 6 weeks after giving birth is considered maternity leave and is for the mother's recovery.

After giving birth, employees must submit an RTW form if they are returning to work before the end of the first six weeks.

# CASE SCENARIO # 3

An employee goes out on approved sick leave for Thursday & Friday for eye surgery. The employee does not return to work on Monday and indicates that they need to be out for another 5 days. The employee did not submit leave claim with LFG.

Response: At this point, the employee should not just extend their request for sick leave. Employees should submit claim with LFG. They would have exceeded the maximum days after which they are required to submit a claim, and it is unsure how much longer they will be out.

# CASE SCENARIO # 4

An employee submits a leave of absence for pregnancy/childbirth. The expected delivery date is future dated 30 days from today. Later, her doctor took her out 10 days earlier due to complications. This employee has already exhausted all her accrued vacation time as well prior to taking this leave.

Response: Employee should be encouraged to contact LFG as soon as possible to update on this situation. FMLA start date can be adjusted, as well as STD, based supporting medical documentation provided.

Since the employee does not have any accrued time, they will not be paid until STD starts paying, which will be on the 8th day after the STD Approved start date. (For STD there is a waiting period of 7 days, before it starts paying). The employee's FMLA time after the birth will be shortened, because they would have started before giving birth.

# CASE SCENARIO # 5

An employee has an aunt who acted in the role of their parent during part of childhood. He uses FMLA leave to care for her when she has an FMLA-qualifying serious health condition.

Response: In this situation an employee may use FMLA for an aunt who stood in as a parent during their childhood. Under the FMLA, a parent is an employee's biological, adoptive, step, foster parent, or someone who stood in loco parentis to the employee when the employee was a child.

Standing in loco parentis means a person is in the role of a parent.

# CASE SCENARIO # 6

**An employee takes a continuous Care of Family Member (COFM) leave for their mother. The leave lasts 2 weeks and without RTW they open another FMLA continuous claim for their own condition right after.**

**Response: An employee may request FMLA for themselves immediately after they have been on FMLA to Care for a Family Member. The total time for both types of leaves must be 12 weeks, therefore, FMLA time for employee will be less than 12 weeks.**