

Supervisor's Guide: Protected Leave

As a supervisor, it is important for you to know how to recognize and respond to an employee's request or need for leave that may be eligible and protected under the Family Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA). Not all employees realize their leave is covered/protected by FMLA/OFLA or realize they need to request protected leave for certain types of absences- It is your job as the supervisor to recognize these situations, notify Human Resources and let the employee know they may need to request protected leave. Your job isn't to ask about the medical issue, determine eligibility or administer FMLA/OFLA leave, but it is your job as the supervisor to recognize a possible "protected leave" situation, notify Human Resources and also let your employee know they have a right to protected leave.

Possible/common situations that should trigger "Protected Leave" in your mind:

- Employee has been absent (not planned/vacation types of absences) from work for 3+ calendar days- on the 4th day we should start asking "is this possibly protected leave?"
- Employee/Family member has a serious health condition- illness, surgery, off the job injury, hospital stay, treatment, chronic conditions, long-term conditions.
- Pregnancy disability- absences for prenatal care/recovery from child birth
- Parental Leave (Mother and Father) after baby is born/adopted (can be intermittent with supervisor approval)
**Females can take up to 12 weeks for pregnancy disability if a medical certification is provided) AND 12 weeks of parental leave.
Fathers may take up to 12 weeks for parental leave.*
- Bereavement- Employees may take up to two (2) weeks of leave after the death of a family member (Must be completed within 60 days of the date when the employee learned of the death.)
- Military – qualifying exigency due to covered service members: call to active duty, leave from deployment or to care for ill or injured covered service member.
- Employee is a victim of domestic violence, sexual assault or stalking

Requesting Protected Leave:

- Employee should submit a protected leave request to Lincoln Financial either online or by phone:
 - **Online:** MyLincolnPortal.com
The employee should follow the guided steps beginning with START A CLAIM OR LEAVE. If this is their first-time logging in, use company code LF1073CIT.
 - **By Phone:** 888-408-7300
The employee will speak directly with a claim specialist.
- A Supervisor or Human Resources can contact Lincoln Financial to submit a leave request on the employee's behalf.
- Request should be entered 30 days prior to the leave, IF possible, if not possible as soon as need for leave is known
- If actual leave dates are not known at the time of the leave request, a best estimate should be given to Lincoln Financial; the request can be updated.
- Lincoln Financial will review the request and send necessary approval/certification paperwork and further instructions to the employee.

Coding of Timecard:

While out on protected leave, you may use your leave accrual banks. The default is *sick protected* but per city policy you may elect to use any of your leave banks, while on an approved protected leave. Let your supervisor know what leave bank(s) you would like to use while on any protected time away. Earn codes (listed below).

BRV – Compassionate Leave (Up to one week protected, city paid leave)
Bereavement - Protected Leave (One-week unpaid protected leave) (*An employee may use any leave accrual bank while on approved protected bereavement leave.*)
VPL – Vacation - Protected Leave
SPL – Sick - Protected Leave
HPL – Holiday - Protected Leave

LPL – Leave without Pay - Protected Leave
CPL – Comp - Protected Leave
FPL – Floating Holiday – Protected Leave
PPL – PTO – Protected Leave

Return to Work:

If the doctor takes you completely off from work, you must bring in a doctor's release prior to returning to full duty or to a modified duty assignment. NO RELEASE = NO WORK.

All doctor's notes, medical releases, and work agreements need to be given to your supervisor and a copy sent to Lincoln Financial.

When Protected Leave Ends:

Job protection ends but you may apply for extended leave. You may also want to look at job accommodation options and begin this interactive process with the Human Resources.