

To: City of Milwaukee Managers, Supervisors, and Lead Workers
From: Maria Monteagudo, Employee Relations Director
Date: February 1, 2019
Re: Administration of FMLA benefits by a Third Party Administrator: Roles and Responsibilities of Managers and Supervisors

Effective February 1st Sun Life AMS will serve as the City's administrator of leave benefits under the Federal and Wisconsin Family Medical Leave Acts. As a result, intake of leave requests, eligibility determinations, notification determinations, medical certification reviews and approvals, leave utilization tracking and reporting will be performed by Sun Life working in partnership with your departmental leave administrators. Under the contract, Sun Life AMS will also be responsible for identifying instances of leave fraud and abuse, when applicable.

This FAQ document provides critical information for City managers and supervisors regarding their roles and responsibilities in relation to FMLA leave benefits once the administration of those benefits is handled by Sun Life on behalf of the City.

1. Why is the City outsourcing the administration of leave benefits under the federal and state FMLA?

The City is interested in streamlining the administration of leave benefits while ensuring compliance with the provisions of both the federal and state law. By outsourcing this function, the City is expecting timely decisions regarding leave eligibility, increased confidentiality of employee medical information, a greater quality experience for the employee when filing a leave, and expanded options regarding access to information via the web and a mobile app

2. What leave benefits will Sun Life be administering on behalf of the City?

Only leave under Federal or Wisconsin FMLA will be administered by Sun Life. Other leave policies established by applicable rules of the City Service Commission, the Fire and Police Commission, or established by provisions of the Milwaukee Code of Ordinance or in collective bargaining agreements will continue to be administered by the City.

3. How and when should employees be instructed to file a claim?

Employees should be directed to call Sun Life at 1.844-464-2818 or to register online at www.sunlife-ams.com. To register online, Sun Life will ask for your City of Milwaukee employee number and your home postal code. Since Sun Life will be making the determination as to the employee's eligibility for FMLA, employees should be instructed to call whenever leave is needed due to a serious health condition affecting the employee or a covered family member.

4. What about new employees who may not be eligible? Should they be instructed to call Sun Life as well?

Yes, all employees should be instructed to call Sun Life. Sun Life will be responsible for communicating all eligibility determinations under the Federal FMLA first and under WI FMLA after that. Sun Life will communicate with the employee the best option available given the circumstances.

5. What responsibility will employees have regarding departmental call-in procedures when applying for leave with Sun Life?

Employees will be required to follow departmental call-in procedures when requesting leave in addition to contacting Sun Life to file a claim. Employees who fail to follow departmental call-in procedures may be considered absent without leave or AWOL and may be subject to disciplinary action.

6. What should employees expect once a leave request is filed?

Employees should expect Sun Life to communicate with them within 5 days of the request. This includes information regarding their application for leave, steps to follow, rights and responsibilities, medical certification requirements, and required applicable return to work documentation.

7. What should I tell an employee if I am not sure if the absence qualifies for leave under the Federal or WI FMLA?

An employee should simply be directed to call Sun Life when he or she is unable to work because of their own serious health condition or when they need to care for an eligible family member with a serious health condition.

8. Will an employee be required to call each absence when the leave is continuous?

No there is no need to call Sun Life with each absence when the leave is continuous; approved leave will serve as notice but the employee will need to contact Sun Life if the start date changes or if the end date changes.

9. Will the employee be required to call each intermittent absence?

Yes, the employee will be required to follow the normal call-in procedure for each absence and will be required to contact Sun Life within 24 hours of each intermittent absence.

10. How will the department and the supervisor be notified of the employee's anticipated return to work date?

Departmental leave administrators will have access to information regarding the length of each leave including any changes reported to Sun Life.

11. Will supervisors have access medical restriction information upon the employee's return?

Yes, departmental leave administrators will be provided with release to return or return to work information in accordance with the departmental procedures. They will make that information available to supervisors on a need to know basis.

12. Will information regarding the employee's serious health condition be available to the department?

Information provided by the employee through the medical certification completed by the provider will not be available to general city departments. However, consistent with current procedures within the Police and the Fire Departments, the medical certifications will be made available to the respective department's medical sections.

13. How is a supervisor required to handle the medical information of an employee that is mistakenly received?

All medical information must be kept confidential and not used for any purpose including making employment decisions or making disparaging remarks about the need for leave. Supervisors are prohibited from "interfering" with the employees' right to leave under federal or state laws.

14. Who should a supervisor notify if he or she suspects fraud or abuse?

Your departmental leave administrators will continue to play a critical role in reviewing and analyzing leave utilization, including instances when the employee seems to be exceeding frequency or duration or there is a pattern of absences that raises concerns, or when there is doubt regarding the reasons leave is taken. Any information regarding fraud or abuse should be provided to the leave administrator who will contact the appropriate Sun Life representative.

15. What responsibility do supervisors have to assess the medical condition or diagnosis of the employee who may be requesting leave?

As a manager or supervisor you are prohibited from asking for any medical information or diagnosis related to your employee. You should discourage employees from volunteering medical information.

16. Can supervisors mandate or expect an employee on leave to work or provide the necessary information for the work to be done while he or she is on leave?

You should contact the departmental leave administrator to address this situation.

17. Can I discipline an employee on approved or requested leave?

Supervisors are required to check with their respective departmental leave administrator and/or Personnel Office to determine the appropriate course of action.

18. Will leave utilization data be made available to supervisors to ensure appropriate staffing management planning can be performed?

Yes, the departmental leave administrators will have access to custom reports regarding utilization including weekly leave reports.

19. Under Federal and Wisconsin FMLA employers are prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) an employee's rights under the FMLA. What does this mean?

It means that the City is prohibited from:

- Reducing an employee's work hours in order to avoid employee eligibility
- Terminating or otherwise discriminating against an employee to avoid the employee's future use of FMLA leave
- Discriminating or retaliating against an employee for having exercised or attempted to exercise FMLA rights
- Terminate or discriminate against a person for opposing or complaining, giving, information relating to the FMLA, or for filing an FMLA complaint, or for testifying in a proceeding under the FMLA.