

You may be eligible for leave under the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). These leaves entitle eligible employees up to 12 weeks of FMLA/OFLA leave in a 12-month period. FMLA/OFLA protect your job and benefits. This leave is not a paid leave unless you have sick and/or vacation time to use. If you have Short Term Disability Insurance you may be eligible to use the wage replacement benefits it provides.

**STEP 1: INFORMATION TO READ AND REVIEW**

- FMLA Employee Rights Notice
- OFLA Employee Rights Notice
- OIT Notice of Employee Rights

**STEP 2: COMPLETE LEAVE REQUEST FORM**

- FMLA/OFLA Leave Request Form – complete and return to HR

**STEP 3: MEDICAL CERTIFICATION**

- Medical Certification – give to Medical provider and have them return to HR

**STEP 4: LEAVE AND LEAVE BENEFITS**

- If you have Short Term Disability Insurance
  - Contact The Standard at 1-800-842-1707
- Complete your FMLA/OFLA Attendance Record/Leave Tracking Form and your Employee Leave slip every month

**STEP 5: RETURN TO WORK**

- Have your medical provider complete the Employee Release to Return to Work Form – return to HR at the time of your return

Information to Read and Review

- ◇ FMLA Employee Rights Notice
- ◇ OFLA Employee Rights Notice
- ◇ OIT Notice of Employee Rights

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Complete Leave Request Form

- ◇ FMLA/OFLA Leave Request Form—  
Complete and return to HR

2

Medical Certification

- ◇ Medical Certification—Give to Medical provider and have them return to HR

3

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Leave and Leave Benefits

- ◇ If you have Short Term Disability Insurance
- ◇ Contact The Standard at 1-800-842-1707
- ◇ Complete your FMLA/OFLA Attendance Record/Leave Tracking Form and your Employee Leave Slip every month

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Return to Work

- ◇ Have your medical provider complete a Return to Work Form—return to HR at the time of your return

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

## EMPLOYER RESPONSIBILITIES

## ENFORCEMENT

For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**[www.dol.gov/whd](http://www.dol.gov/whd)**

U.S. Department of Labor | Wage and Hour Division





Oregon

Brad Avakian, Commissioner



FAMILY LEAVE ACT

NOTICE TO EMPLOYERS AND EMPLOYEES

The Oregon Family Leave Act (OFLA) requires employers of 25 or more employees to provide eligible workers with protected leave to care for themselves or family members in cases of death, illness, injury, childbirth, adoption and foster placement. ORS 659A.150-659A.186

When can an Employee take Family Leave?

Employees can take family leave for the following reasons:

- Parental Leave during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
Serious health condition leave for the employee's own serious health condition, or to care for a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent in law, parent of same-gender domestic partner, grandparent, grandchild, a person whom the employee is or was a relationship of in loco parentis, biological, adopted, foster or step child of an employee or the child of an employee's same-gender domestic partner.
Pregnancy disability leave (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care.
Sick child leave taken to care for an employee's child with an illness or injury that requires home care but is not a serious health condition.
Bereavement leave to deal with the death of a family member.
Oregon Military Family Leave is taken by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

Who is Eligible?

To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.

Exception 1: For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.

Exception 2: For Oregon Military Family Leave, workers are eligible if they have worked at least an average of 20 hours per week, without regard to the duration of employment.

Exception 3: For compensable Workers Compensation injuries, for certain Workers Compensation injuries involving denied and then accepted claims and for certain accepted claims involving more than one employer.

Exception 4: When an employee is caring for a family member with a serious health condition and the same family member dies, the employee need not requalify with the 25 hour per week average to be eligible for bereavement leave.

How much Leave can an Employee take?

- Employees are generally entitled to a maximum of 12 weeks of family leave within the employer's 12-month leave year.
A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.
A spouse or same gender domestic partner of a service member is entitled to a total of 14 days of leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment.

What Notice is Required?

Employees may be required to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employers may require that notice is given in writing. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

Is Family Leave paid or unpaid? Benefits?

- Although Family Leave is unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.
Employees are entitled to group health insurance benefits during family leave as if they continued working.

How is an Employee's job Protected?

Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee's leave.

FOR ADDITIONAL INFORMATION:

Employer Assistance . . .971-673-0824
Portland . . . . .971-673-0761
Eugene . . . . .541-686-7623
Salem . . . . .503-378-3292

BOLI
Civil Rights Division
800 NE Oregon, #1045
Portland, OR 97232

www.oregon.gov/BOLI

Employees who have been denied available leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from leave, may file a complaint with BOLI's Civil Rights Division.

This is a summary of laws relating to Oregon Family Leave Act. It is not a complete text of the law.

January 2016

THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION

**If your leave qualifies for FMLA and/or OFLA leave, you will have the following rights and responsibilities:**

**Leave Entitlement:** Effective the first day of your leave, time taken under the protected leave laws is counted against your leave entitlement. Generally you are entitled to 12 weeks of protected leave in a rolling 12-month period. The rolling 12-month period is measured backward from the date of any protected leave usage. Some leave types may be entitled to additional protected leave.

**Paid Leave:** You will be required to use your paid accruals (sick, vacation, etc.) during your FMLA/OFLA leave. This means you will use your paid leave (sick, vacation, etc.) and that such leave will also be considered protected under the FMLA/OFLA leave and counted against your protected leave entitlement.

- All Employees must use available accrued sick leave during FMLA/OFLA leave, unless the employee is on approved FMLA and is utilizing his/her short-term disability benefit.
- Classified Employees: Classified employees must use all accrued vacation leave during FMLA/OFLA leave before going in to unpaid status (leave without pay), unless the employee is on approved FMLA and is utilizing his/her short-term disability benefit. See the Oregon Public Universities/SEIU Collective Bargaining Agreement, Article 47-Vacation Leave, Section 14, regarding an employee's option to retain up to 40 hours of accrued vacation leave.

Upon exhausting all accrued sick leave, classified employees may use accrued compensatory time, and/or personal leave during FMLA/OFLA leave.

After exhausting all paid leave, classified employees may request hardship leave donations. See the Oregon Public Universities/SEIU Collective Bargaining Agreement, Article 40 – Sick Leave, Section 8.

- Unclassified Employees (faculty and administrative staff): Upon exhausting all accrued sick leave, unclassified employees may use accrued vacation leave time during FMLA/OFLA leave before going in to unpaid status (leave without pay).
- Employees may not go in and out of unpaid status, unless on approved FMLA/OFLA and receiving short-term disability benefits through Standard Insurance.

**Benefits:** Approved FMLA and OFLA Leave: Your health insurance coverage will continue provided you continue to contribute your portion of the premiums. Premiums will be deducted through normal payroll deduction when available. An employee who is in leave without pay status during FMLA and/or OFLA leave will be responsible to self-pay their portion of health insurance premiums directly to the University. Employee paid optional benefit premiums may be also be continued when self-paid by the employee.

If you do not return to work following FMLA and/or OFLA leave you may be required to reimburse the University for the employer share of health insurance premiums paid on your behalf during your leave.

**Medical Certification:** In order to determine whether an employee's absence qualifies for protected leave under the FMLA and OFLA leave laws, you may be required to provide a medical certification from a qualified health care provider within 15 calendar days of the receipt of your notice for eligibility to take protected leave. It is the

employees' responsibility to ensure a complete and sufficient medical certification is returned to Human Resources within the designated timeframe.

While on approved FMLA or OFLA leave, you may be required to furnish additional medical certifications if requested by Human Resources. The interval between re-certifying will not be less than 30 days, unless the circumstances for your leave have changed significantly.

Failure to provide a complete and sufficient Medical Certification may result in your leave being denied. Denied FMLA and/or OFLA is not protected under the leave statutes and the University may treat the absences as unexcused.

**Periodic Check In:** While on leave, you are required to check in periodically with Human Resources. You should provide information on your status, any change in circumstances, and if out for a continuous block of time, your intent to return work.

**Status Changes:** You are required to notify Human Resources if the status of your leave requirements changes. Status changes may include, but are not limited to: a need for continuous leave while on approved intermittent leave; a need for more intermittent leave than the amount currently approved; or a need for leave beyond the current approved end date. If you are on approved leave and no longer require time off for the approved reason, please contact Human Resources to close your file.

**Leave Reporting:** You are required to record any FMLA/OFLA leave taken on a leave tracking form which should be provided to Human Resources monthly.

**Return to Work:** If the status of your situation changes and you do not anticipate returning on your scheduled return date, you are expected to notify your supervisor and the Human Resources office as soon as possible.

When you return, you must be able to carry out the essential functions of your position. If your leave was for your own Serious Health Condition, you will be required to provide either a Return to Work form or a medical certification stating you are able to return to work without restrictions.

**Reinstatement Rights:** Upon returning from protected leave, you have the following reinstatement rights:

- **FMLA:** You must be reinstated to either the same position held when leave began or to an equivalent position. An equivalent position is one that is virtually the same as the employee's former position in terms of pay, benefits, and working conditions and must involve the same or substantially similar duties and responsibilities.
- **OFLA:** You must be reinstated to the position held when the leave began.

If you remain on leave after exhausting your protected leave entitlement (FMLA and/or OFLA), you will not have the reinstatement rights outlined above.

For additional information pertaining to leave, contact the Benefits Consultant at 541-885-1028.

| EMPLOYEE INFORMATION  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
|---|----|-------|-----------------------------------|--|-------|---|----|---|--|------------------------------|-------|--|--|
| Name:   |    |       |                                   | ID#:   |       |   |    |   |  |                              |       |  |  |
| Department:   |    |       |                                   |  |       | Job Title:  |    |   |  |                              |       |  |  |
| Employee Type:  |    |       |                                   | <input type="checkbox"/> Classified                            |       | <input type="checkbox"/> Faculty  |    | <input type="checkbox"/> Unclassified Admin |  |                              |       |  |  |
| Supervisor Name:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Contact information while on leave  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Personal Email:   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Mailing Address:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Phone:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| LEAVE INFORMATION   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| I am requesting a leave of absence for the following reason:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| <input type="checkbox"/> My own serious health condition  |    |       |                                   |  |       | <input type="checkbox"/> To care for my family member with a serious health condition |    |   |  |                              |       |  |  |
| <input type="checkbox"/> Birth of my child, and/or to care for the newborn child                    |    |       |                                   |  |       | <input type="checkbox"/> Qualifying military exigency leave                           |    |   |  |                              |       |  |  |
| <input type="checkbox"/> Placement of a child for adoption/foster care                              |    |       |                                   |  |       | <input type="checkbox"/> Service member care leave (SMCL)                             |    |   |  |                              |       |  |  |
| <input type="checkbox"/> My child's <u>NON-SERIOUS</u> health condition                             |    |       |                                   |  |       | <input type="checkbox"/> Bereavement leave  |    |   |  |                              |       |  |  |
| If applicable, please specify the person the leave is for and the relationship:                     |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Name:   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Relationship:   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Is the condition due to an on-the-job injury or illness?  |    |       |                                   |  |       | <input type="checkbox"/> Yes  |    | <input type="checkbox"/> No                 |  | <input type="checkbox"/> N/A |       |  |  |
| I am requesting a leave of absence with the following schedule:                                     |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| <input type="checkbox"/> Full-time leave from   |    |       |                                   |  |       |   |    | to  |  |                              |       |  |  |
| <input type="checkbox"/> Intermittent leave from  |    |       |                                   |  |       |   |    | to  |  |                              |       |  |  |
| <input type="checkbox"/> Reduced-schedule leave from  |    |       |                                   |  |       |   |    | to  |  |                              |       |  |  |
| Describe proposed intermittent or reduced schedule:   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
|   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| COMPENSATION DURING LEAVE   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Will you be applying for Short Term Disability (STD)?   |    |       |                                   |  |       | <input type="checkbox"/> Yes  |    | <input type="checkbox"/> No                 |  | <input type="checkbox"/> N/A |       |  |  |
| Will you be using leave during any STD waiting period?  |    |       |                                   |  |       | <input type="checkbox"/> Yes  |    | <input type="checkbox"/> No                 |  | <input type="checkbox"/> N/A |       |  |  |
| Will you be using leave to supplement your STD payment?   |    |       |                                   |  |       | <input type="checkbox"/> Yes  |    | <input type="checkbox"/> No                 |  | <input type="checkbox"/> N/A |       |  |  |
| Specify the types of leave you wish to use, the dates on which to apply it, and the total for each. |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| <input type="checkbox"/> Sick Leave   |    |       | <input type="checkbox"/> Vacation |  |       | <input type="checkbox"/> Compensatory Time  |    |   | <input type="checkbox"/> Leave without Pay |                              |       |  |  |
| From  | To | Hours | From                              | To   | Hours | From  | To | Hours                                       | From                                       | To                           | Hours |  |  |
|   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
|   |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Total Sick  |    |       | Total Vacation                    |  |       | Total Comp  |    |   | Total LWOP                                 |                              |       |  |  |
| Use my special day on:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| Use my personal days on:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| I will use paid holidays on:  |    |       |                                   |  |       |   |    |   |  |                              |       |  |  |
| I wish to retain  |    |       |                                   | hours of vacation ( <i>classified only, 40 hours maximum</i> ) |       |   |    |   |  |                              |       |  |  |

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# HEALTH CARE PROVIDER CERTIFICATION FOR SERIOUS HEALTH CONDITION

This optional form is designed to help determine if an employee is eligible for leave under either or both the federal **Family and Medical Leave Act (FMLA)** and/or the **Oregon Family Leave Act (OFLA)**.

▲ Indicates that an affirmative answer to this question is *not required* for OFLA or concurrent OFLA & FMLA leave.

\* Indicates categories that qualify as OFLA leave *only*.

**Employers are *not required* to use this form in order to designate leave as OFLA or FMLA protected.**

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Information sought on this form relates only to the condition for which the employee is taking leave.

## **SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) *and the Oregon Family Leave Act (OFLA)* provide that an employer may require an employee seeking FMLA/OFLA protections because of a need for leave to care for a covered family member with a serious health condition or *because of a need for leave due to employee's own serious health condition* to submit a medical certification issued by the health care provider of the covered family member *or a medical certification issued by the employee's own health care provider, whichever is appropriate*. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as **CONFIDENTIAL** medical records in separate files/records from the usual personnel files, 29 C.F.R. § 825.500(g), and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies. This also applies to OFLA. ORS 659A.186(2); ORS 659A.136.

Employer name: \_\_\_\_\_

Employer contact: \_\_\_\_\_

*If this form is being completed for employee's own serious health condition, please also provide the following information:*

Employee's job title: \_\_\_\_\_

Regular work schedule: \_\_\_\_\_

Employee's essential job functions:

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Check if job description is attached:

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to *patient's (your own or your covered family member's)* health care provider. FMLA/OFLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA/OFLA leave due to your own *or your covered family member's* serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA/OFLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in delay or denial of FMLA protection. 29 C.F.R. § 825.313. Your employer must give you 15 calendar days to return this form. 29 C.F.R. § 825.305(b), OAR 839-009-0260(4).

Employee's Name: \_\_\_\_\_

Patient's Name (if different from employee): \_\_\_\_\_

If patient is a child, date of birth (mm/dd/yyyy): \_\_\_/\_\_\_/\_\_\_\_\_

Patient's Relationship to Employee (if employee is not the patient):

- Spouse, or  (\*OFLA only) Same-gender Domestic Partner

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- Parent, or  (\*OFLA only) Parent-in-law, or
- (\*OFLA only) Parent of employee's same-gender Domestic Partner

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- Child, or  (\*OFLA only) Child of employee's same-gender Domestic Partner

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- Employee is currently *in loco parentis* (see definition below) to patient who is under age 18 or incapable of self-care due to disability. (Employee has financial or day-to-day responsibility for care of the patient – covered by OFLA and FMLA)

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- (\*OFLA only) Employee was *in loco parentis* to patient. (Employee had financial or day-to-day responsibility for care of the patient when the patient was under 18 – OFLA only)

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- Patient was *in loco parentis* to employee (Patient had financial or day-to-day responsibility for care of the employee *when employee was under 18*)

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- Grandparent (\*OFLA only)

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- Grandchild (\*OFLA only)

“*In loco parentis*” means in the place of a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

(\*OFLA only) Check here if requesting “Sick Child Leave”, which is available under OFLA for a child's non-serious health condition. (Completion of this form is only necessary *after* a 3<sup>rd</sup> occurrence of using Sick Child Leave during a “leave year”.)

Employee Signature: \_\_\_\_\_

**SECTION III : For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** Either your patient has requested leave under the FMLA/OFLA *or the employee listed above has requested leave under the FMLA/OFLA to care for your patient.* Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA/OFLA coverage. Limit your responses to the condition for which the employee is seeking leave.

|   |   |
|---|---|
| _____                                   | _____                                     |
| Printed Name of Physician/ Practitioner | Date Signed                               |
| _____                                   | _____                                     |
| Signature of Physician/ Practitioner    | Type of Practice/ Field of Specialization |
| _____                                   | _____                                     |
| Address                                 | Phone Number                              |

**PART A: MEDICAL FACTS**

**Note:** *If this form is being used for the purposes of filing for the certification of OFLA’s non-serious health condition of a child, only complete # 1\*.*

- 1) Approximate date condition commenced: \_\_\_\_\_
  - a) Probable duration of condition: \_\_\_\_\_
  - b) Was the patient admitted for inpatient care in a hospital, hospice, or residential medical care facility?  
**No-**      **Yes-** If “yes”, dates of admission: \_\_\_\_\_
  - c) Date(s) you treated the patient for the condition: \_\_\_\_\_
  - d) Was medication, other than over-the-counter medication, prescribed? **No-**      **Yes-**
  - e) Will the patient need to have treatment visits at least twice per year due to the condition?  
**No-**      **Yes-**
  - f) Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? **No-**      **Yes-** If “yes”, state the nature of such treatments and expected duration of treatment:  
\_\_\_\_\_  
\_\_\_\_\_

2) Is the medical condition pregnancy? No- Yes- If "yes", expected delivery date: \_\_\_\_\_

3) If patient is EMPLOYEE: Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

a) Is the employee unable to perform any of his/her job functions due to the condition?

No- Yes-

If "yes", identify the job functions the employee is unable to perform:

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4) Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

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**PART B: AMOUNT OF CARE NEEDED** When answering these questions, keep in mind that your patient's need for care may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

5) Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? No- Yes-

If "yes", estimate the beginning and end dates for any period of incapacity: \_\_\_\_\_

If this certification relates to the employee's seriously ill family member(s), also complete the following:

a) Does the patient require assistance for basic medical or personal needs or safety, or for transportation? No- Yes-

b) Would the employee's presence to provide psychological comfort be beneficial or assist in the patient's recovery? No- Yes-

c) If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration and frequency of this need: \_\_\_\_\_.

Please explain the care needed by the patient: \_\_\_\_\_

---

▲ Affirmative answer to the following question is not required for OFLA or concurrent OFLA/FMLA leave.

↳ Is this care medically necessary? No- Yes-

6) Will the patient require follow-up treatments, including any time for recovery? No- Yes-

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

\_\_\_\_\_

▲ Affirmative answer to the following question is not required for OFLA or concurrent OFLA/FMLA leave.

↳ Is this care medically necessary? No- Yes-

7) Will it be necessary for the employee to take leave only intermittently or to work on a less than full-time schedule basis because of the condition or treatment? No- Yes-

If "yes", expected duration: \_\_\_\_\_

Frequency (Check One):

- One (1) to two (2) days per month
- Two (2) to three (3) days per month
- Three (3) to four (4) days per month
- Other - Explain: \_\_\_\_\_

Please explain how employee will use leave intermittently, being as specific as possible including frequency and duration of absences: \_\_\_\_\_

8) Will the patient require a regimen of treatment? No- Yes-

If "yes", describe the nature of the treatments: \_\_\_\_\_

\_\_\_\_\_

Estimated number of treatments: \_\_\_\_\_

Estimated interval between treatments: \_\_\_\_\_

Estimated or actual dates of treatments: \_\_\_\_\_

What is the duration (and any period required for recovery) for a treatment?

\_\_\_\_\_

▲ Affirmative answer to the following question is not required for OFLA or concurrent OFLA/FMLA leave.

↳ Is this care medically necessary? No- Yes-



Name: \_\_\_\_\_

Department: \_\_\_\_\_

Employee ID#: \_\_\_\_\_

**Instructions:** Please record the number of hours you were off each day while on FMLA/OFLA leave. Include holidays.  
 Do not include days you would not have been expected to be at work (your normal days off).  
 Return this form at the end of each month.

| Month | Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | Total |  |
|-------|------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--|
| Jan   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Feb   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Mar   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Apr   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| May   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Jun   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Jul   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Aug   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Sep   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Oct   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Nov   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |
| Dec   |      |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Return form to: Oregon Institute of Technology Phone: 541-885-1028  
 3201 Campus Drive, Snell 107 Fax: 541-851-5200  
 Klamath Falls, OR 97601

Employee \_\_\_\_\_ ID # \_\_\_\_\_  
 Position/Job \_\_\_\_\_

#### SECTION 1: WORK STATUS *(Select one)*

- OPTION 1 – Released to Regular Work** Status from (date): \_\_\_\_\_ to: \_\_\_\_\_  
 Released to the *hours routinely worked and tasks routinely performed in job at the time of injury/illness.*
- OPTION 2 – Not Released to Work** Status from (date): \_\_\_\_\_ to: \_\_\_\_\_  
 The employee is *not capable of performing any work activities.*
- OPTION 3 – Released to Modified Work** Status from (date): \_\_\_\_\_ to: \_\_\_\_\_  
 Released to work, *subject to the following work restrictions/limitations (note only those applicable):*  
**Total work hours:** \_\_\_\_\_ hours/day \_\_\_\_\_ days/week

#### SECTION 2: PHYSICAL COMPONENTS

Does employee have any physical conditions which would impact return to work?  Yes  No  
*If none, please skip to Section 3: Cognitive/Psychological Components*  
 Is the employee expected to materially improve from medical treatment or the passage of time?  Yes  No

#### Lift/carry/push/pull restrictions

|               | One-time     | ≤1/3 of workday | 1/3-2/3 of workday | ≥2/3 of workday | Duration       |                     |
|---------------|--------------|-----------------|--------------------|-----------------|----------------|---------------------|
| <b>Lift:</b>  | _____ pounds | _____ pounds    | _____ pounds       | _____ pounds    | _____ hrs./day | _____ hrs./one time |
| <b>Carry:</b> | _____ pounds | _____ pounds    | _____ pounds       | _____ pounds    | _____ hrs./day | _____ hrs./one time |
| <b>Push:</b>  | _____ pounds | _____ pounds    | _____ pounds       | _____ pounds    | _____ hrs./day | _____ hrs./one time |
| <b>Pull:</b>  | _____ pounds | _____ pounds    | _____ pounds       | _____ pounds    | _____ hrs./day | _____ hrs./one time |

#### Activity restrictions

|               |                |                     |                              |                |                     |
|---------------|----------------|---------------------|------------------------------|----------------|---------------------|
| <b>Stand:</b> | _____ hrs./day | _____ hrs./one time | <b>Bend:</b>                 | _____ hrs./day | _____ hrs./one time |
| <b>Walk:</b>  | _____ hrs./day | _____ hrs./one time | <b>Crawl:</b>                | _____ hrs./day | _____ hrs./one time |
| <b>Sit:</b>   | _____ hrs./day | _____ hrs./one time | <b>Crouch:</b>               | _____ hrs./day | _____ hrs./one time |
| <b>Drive:</b> | _____ hrs./day | _____ hrs./one time | <b>Balance:</b>              | _____ hrs./day | _____ hrs./one time |
| <b>Kneel:</b> | _____ hrs./day | _____ hrs./one time | <b>Above shoulder reach:</b> | _____ hrs./day | _____ hrs./one time |
| <b>Twist:</b> | _____ hrs./day | _____ hrs./one time | <b>Below shoulder reach:</b> | _____ hrs./day | _____ hrs./one time |
| <b>Climb:</b> | _____ hrs./day | _____ hrs./one time |                              |                |                     |

#### Hand use restrictions

|                      |                       |                       |
|----------------------|-----------------------|-----------------------|
| <b>Fine actions:</b> | _____ hrs./day L hand | _____ hrs./day R hand |
| <b>Keyboarding:</b>  | _____ hrs./day L hand | _____ hrs./day R hand |
| <b>Grasp:</b>        | _____ hrs./day L hand | _____ hrs./day R hand |
| <b>Climb:</b>        | _____ hrs./day        | _____ hrs./one time   |

#### Foot use restrictions

|              |                       |                       |
|--------------|-----------------------|-----------------------|
| <b>Raise</b> | _____ hrs./day L foot | _____ hrs./day R foot |
| <b>Push:</b> | _____ hrs./day L foot | _____ hrs./day R foot |

**SECTION 3: COGNITIVE/PSYCHOLOGICAL COMPONENTS**

|   |  |
|---|--|
| Does employee have any cognitive or psychological conditions which would impact return to work?<br><i>If no, please skip to Section 4: Other Restrictions</i>         | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is the employee expected to materially improve from treatment or the passage of time?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Statement of psychological/cognitive diagnosis(es) (include DSM-V diagnosis):   |  |
| How often is employee receiving treatment from you and/or another health care provider for this condition?  |  |
| Please identify functional limitations of diagnosis(es) based on current status of employee:  |  |
| Employee has the ability to meet the cognitive demands of the job as described in the position description.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee has the ability to meet the psychological demands of the job as described in the position description.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee has the ability to multitask without significant loss of efficiency or accuracy. This includes the ability to perform multiple duties from multiple sources. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee has the ability to work and sustain attention with distractions and/or interruptions.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to interact appropriately with a variety of individuals including students, customers, clients, colleagues, and the public.                          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to deal with people under challenging circumstances.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee has the ability to work as an integral part of a team. Includes ability to maintain workplace relationships.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to maintain regular attendance and be punctual.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to understand, remember and follow <u>simple</u> verbal and written instructions.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to understand, remember and follow <u>detailed</u> verbal and written instructions.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to complete assigned tasks with minimal or no supervision.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to exercise independent judgement and make decisions.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to perform under stress and/or in emergencies.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employee is able to perform in situations requiring speed or productivity quotas.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <i>Clarify or add any additional information here:</i>  |  |

**SECTION 4: OTHER RESTRICTIONS**

|   |  |
|---|--|
| If there are other job restrictions you have not described elsewhere, please describe here:                       |  |
| Is the employee currently prescribed medication that would impair job function or safety? If so, please describe: |  |
| Are all listed work restrictions medically necessary?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**SECTION 5: CERTIFICATION**

I certify that the information provided in this form is true and correct to the best of my knowledge.

Medical provider's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print provider's name: \_\_\_\_\_ Phone: \_\_\_\_\_