DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No: 4

Effective Date: **FEBRUARY 1, 2000; REVISED: FEBRUARY 18, 2014**

Subject: **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Authorization: **STEPHEN CHUSTZ, SECRETARY**

I. POLICY

The policy of the Department of Natural Resources (DNR) is to comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993, as amended. Specific situations not covered by this policy or in conflict with this policy will be resolved via reference to and in strict compliance with the FMLA.

II. PURPOSE

The FMLA serves to balance the demands of the workplace with the needs of the family. This policy is designed to inform our employees of the circumstances under which FMLA leave may be taken at the request of the employee or as required by the employer, and to provide a consistent procedure for implementing the requirements of the FMLA.

III. APPLICABILITY

This policy applies to all eligible DNR employees, regardless of office, division, section or status.

IV. ELIGIBILITY

To be eligible, an employee must have:

1. Been employed by the State of Louisiana for a total of at least 12 months which need not have been consecutive. However, the break in service must not be for more than seven years unless the break was for military service; and

2. Worked at least 1250 hours over the twelve month period immediately preceding commencement of the FMLA leave.

V. DURATION

The FMLA provides job-protected leave for up to twelve weeks in any twelve month period. DNR calculates the twelve month period from the date of the employee's first use of such qualifying leave. If the employee normally works a part-time schedule or variable hours, the FMLA leave entitlement is determined on a pro rata or proportional basis. Employees should know that the use and duration of FMLA leave may not be interrupted by holidays, office closures, etc.

VI. LEAVE CIRCUMSTANCES

A. Family or Personal Medical Leave

Up to 12 weeks of job-protected leave during a 12 month period will be provided to eligible employees for the following qualifying events:

1. For birth of a son or daughter of the employee for the purpose of caring for the newborn. An employee's entitlement to this leave expires at the end of the twelve month period beginning on the date of birth.

2. For placement of a child with the employee for adoption or foster care. An employee's entitlement to this leave expires at the end of the twelve month period beginning on the date of placement.

3. For the employee to care for the employee's spouse, son, daughter or parent with a serious health condition.

4. For the employee's own serious health condition that renders the employee unable to perform the essential functions of his/her job.

B. Military Caregiver Leave

Up to 26 weeks of job-protected leave during a single 12 month period will be provided to the spouse, son, daughter, parent or next-of-kin of a covered servicemember per each qualifying event. A "covered servicemember" is a:

1. Current member of the Armed Forces, including National Guard or Reserves, who for a serious injury or illness: is undergoing medical treatment, recuperation or therapy; is in outpatient status assigned to a military medical treatment facility or a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient care; or is otherwise on the temporary disability retired list. The injury or illness must have been incurred in the line of duty on active duty or have existed before the commencement of active duty and aggravated by service in the line of duty on active duty and may render the servicemember medically unfit to perform his/her duties; or

2. Covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veterans were members of the Armed Forces, including the National Guard or Reserves, who were discharged or released under conditions other than dishonorable discharge during the 5 year period prior to the first date the eligible employee takes leave to care for the veteran. The period between October 28, 2009 and March 8, 2013 does not count towards determination of the 5 year period for covered veteran status. The injury or illness that was incurred in the line of duty on active duty or that existed prior to the commencement of active duty and was aggravated in the line of duty on active duty: (i) Must be a continuation of a serious injury or illness that rendered the covered veteran unable to perform his/her duties; or (ii) Must be the condition for which the covered veteran received a service related disability rating of 50% or higher and the condition for which, in whole or in part, leave is requested; or (iii) Must have rendered the covered veteran disabled to the point that he/she is substantially impaired in his/her ability to secure or maintain gainful employment or would so render him/her without treatment; or (iv) The condition is the basis upon which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

C. Military Exigency Leave

Up to 12 weeks of job-protected leave during a 12 month period for any qualifying exigency, defined as a non-medical need for leave due to:

1. Short-notice deployment;
2. Military events and activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and recuperation;
7. Post-deployment activities;
8. Parental care; or
9. Additional activities which arise out of active duty, provided that the employer and employee agree, including timing and duration of such leave.

For purposes of Military Exigency Leave, the single 12 month period is measured forward from the date the employee begins leave.

VII. DEFINITIONS

A. Family Relationships

1. Son or daughter - A biological, adopted or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis* (in the place of the parent) who is either under age 18 or age 18 or older and satisfies certain defined requirements (See Section VIII regarding adult children).

2. Parent - A biological or adoptive parent, step or foster parent or any other person who stood *in loco parentis* to an employee when the employee was a child. This term does not include an employee's mother-in-law or father-in-law.

3. Spouse – Husband or wife as defined by the law of the state in which the employee resides. The State of Louisiana does not recognize "common law" marriages.

4. Expanded Family Relationships for Military Leave - Parents of a covered servicemember, son or daughter of a covered servicemember, next-of-kin of a covered servicemember, and son or daughter who is on active duty or called to active duty status.

   Next-of-kin must be a blood relative. It can be a blood relative designated in writing by the servicemember. If there is no designation, "next-of-kin" in descending order are the blood relatives with legal custody, siblings, grandparents, aunts, uncles, and first cousins. Any and all such individuals with the same level of relationship are entitled to leave, whether taken simultaneously or not. Unlike parents employed by the same employer, there is no requirement for sharing leave. If there is a designation, no other person shall be considered "next-of-kin" for purposes of servicemember family leave.

B. Health Care Provider

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;

2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist);

3. Nurse practitioners, nurse midwives and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law;

4. Christian Science practitioners with restrictions as outlined in the Federal Regulations;

5. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;

6. Physician assistants who are authorized to practice under state law and all medical para-professionals who are performing within the scope of their practice as defined under state law; or

7. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

C. Intermittent Leave - Under certain conditions, FMLA leave may be utilized in small blocks of time (hours/days) that total the FMLA entitlement, rather than used as periods consisting of consecutive weeks or days.

D. Reduced Leave Schedule - Leave schedule that reduces the usual number of hours per workweek or hours per workday.

E. Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

"Continuing treatment" by a health care provider includes any one or more of the following:

1. Incapacity and treatment: A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:

   a. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider. The first in-person treatment must take place within seven days of the first day of incapacity, or

   b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. The first (or only) in-person treatment must take place within seven days of the first day of incapacity.

2. Pregnancy or prenatal care: Any period of incapacity due to pregnancy or for prenatal care. This includes morning sickness or pregnancy complications that make it impossible or inadvisable for the employee to work, as well as leave needed for prenatal appointments or tests.

3. Chronic condition requiring treatment: A serious health condition which:

   a. Requires periodic visits for treatment;

   b. Continues over an extended period of time, including recurring episodes of a single underlying condition; and

   c. May cause episodic rather than a continuing period of incapacity (migraines, asthma, diabetes, epilepsy, etc.).

4. Permanent or long-term conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (Ex. Alzheimers, a severe stroke, terminal stages of a disease).

5. Conditions requiring multiple treatments: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

F. Treatment - For purposes of the FMLA, treatment includes examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical, eye or dental examinations. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

G. Twelve month Period

1. For purposes of regular family or personal FMLA leave, the 12 month period begins on the date the FMLA leave is first taken by the employee.

2. For purposes of Military Caregiver Leave and Military Exigency Leave, the 12 month period begins on the date the FMLA leave is first taken for military reasons. This 12 month period may be different from the 12 month period used for regular FMLA.

3. For purposes of FMLA leave for the birth of a child or acceptance of a child for adoption or foster care, the 12 month period expires 12 months from the date of birth or placement.

4. For purposes of Military Caregiver Leave, an employee is limited to no more than 26 weeks of leave during each single 12 month period. This is the case even if the employee takes the leave to care for more than one covered servicemember or to care for the same covered servicemember who has incurred more than one serious injury or illness and if the single 12 month period involved overlap each other. If leave would qualify as both Military Caregiver Leave and regular FMLA leave, it must be classified as Military Caregiver Leave.

5. During any single 12 month period, an employee's total leave entitlement is limited to a combined total of 26 weeks for all qualifying reasons under FMLA and military leave. The 26-week Military Caregiver Leave is not in addition to the 12 weeks of regular FMLA leave to which eligible employees otherwise may be entitled.

H. **Subsequent FMLA Period** - Once the initial 12 month entitlement period has been exhausted, the employee does not begin a new entitlement period until the next FMLA qualifying leave usage, provided the employee is eligible.

I. **"Needed to Care For"** – FMLA leave can be authorized for an employee who is needed to care for a family member, including providing physical and/or psychological care and comfort to the family member.

VIII. ADULT CHILDREN – SPECIAL REQUIREMENTS

FMLA leave is available to care for a child 18 years or older if the son or daughter:

A. Has a physical or mental disability as defined by the ADA, regardless of the age of onset or duration of impairment:

B. Is incapable of self-care due to that disability;

C. Has a serious health condition; and

D. Is in need of care due to the serious health condition.

All four requirements must be met in order for an eligible employee to be entitled to FMLA leave to care for his/her adult son or daughter. Definitions for these terms are found below and in separate definitions for "serious health condition" and "needed to care for".

A. **"Disability"**, as defined in the ADA and its amending act, the ADAAA, is an impairment that substantially limits one or more major life activities, a record of such an impairment or being regarded as having such an impairment.

a. "Major life activities" include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, interacting with others, breathing, learning, reading, concentrating, thinking, communicating, working, operation of a major bodily function such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Conditions that are episodic or in remission are considered disabilities if the condition would substantially limit a major life activity when active. Examples of such conditions are: cancer in remission or conditions with episodic periods of illness such as multiple sclerosis, asthma, epilepsy, diabetes, lupus or post-traumatic stress disorder.

Some impairments will virtually always qualify as disabilities because by their nature they substantially limit at least one major life activity. Examples include deafness, blindness, intellectual disability, missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, muscular dystrophy, multiple sclerosis, major depressive disorder, bipolar disorder, obsessive compulsive disorder and schizophrenia.

Pregnancy is not itself a disability; however, pregnancy-related impairments may be considered disabilities if they substantially limit a major life activity. Examples of pregnancy-related disabilities may be gestational diabetes or pregnancy-related sciatica.

b. "Substantially limited" does not require that the impairment prevent or severely or significantly restrict performing a major life activity. This term is construed broadly without consideration of the use of mitigating measures to ameliorate the effects of an impairment, except the use of ordinary eyeglasses or contact lenses.

B. **"Incapable of self-care"** - Even if an adult child has a disability, the FMLA requires that he or she be "incapable of self-care" because of the disability in order to meet the definition of "son or daughter". This means that the adult child must require active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" or "instrumental activities of daily living".

a. "Activities of daily living", as illustrations, include adaptive activities such as caring for one's grooming and hygiene, bathing, dressing and eating.

b. "Instrumental activities of daily living", as illustrations, include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office and medication management.

Necessarily, the determination of whether an adult child is incapable of self-care due to a disability is a fact specific determination based on the individual's condition at the time the leave is requested. In other words, does the adult child need active assistance or supervision in performing three or more activities of daily living or instrumental activities of daily living at the time leave is requested?

IX. PROCEDURE

A. How Leave May Be Scheduled

Leave may be taken on consecutive days or weeks, intermittently or on a schedule that reduces the usual number of hours per workday or workweek. Leave may be taken in the increments allowed by DNR's leave policy.

B. Limitations Regarding Leave Usage

Intermittent or reduced leave schedules following the birth, adoption or foster care of a child as part of a gradual return-to-work schedule may be allowed only upon a determination by the appointing authority that such intermittent leave does not interfere with the efficient operation of the section. Management may stipulate that leave for these purposes be taken continuously for an extended period.

When both spouses in a family are employed by DNR or the State of Louisiana, and both are entitled to FMLA leave, the combined total number of workweeks of FMLA leave to which they are jointly entitled is limited to twelve workweeks during any twelve month period if leave is taken for the birth, adoption or foster care, placement of a child or to care for a sick parent. This limitation does not apply to leave taken by one spouse to care for the other who is seriously ill, to care for a child with a serious health condition, or to care for the employee's own serious illness.

C. Use of Accumulated Leave

While absent for an FMLA-qualifying event and using FMLA leave, an employee is required to use any available balance of applicable paid leave (sick, annual or compensatory leave). When all available paid leave is exhausted, the employee will be placed in leave without pay status.

For leave requests under the FMLA in matters involving the care of a newborn, child placement or the serious health condition of a son, daughter, spouse or parent, DNR requires the employee to utilize all accrued compensatory and annual leave before LWOP will be granted. Accumulated sick leave cannot be used for absences of this nature.

For leave requests under the FMLA in matters involving the employee's own serious health condition, DNR requires the employee to utilize all accrued sick, compensatory and annual leave before LWOP will be granted.

For leave requests under the FMLA for pregnancy and the related purpose of then caring for the newborn child, DNR requires that the employee first utilize accrued sick leave for the period of incapacity related to the pregnancy/childbirth, and then accrued compensatory/annual leave for the remainder of the FMLA- qualifying period to care for the newborn. For this reason, upon being released to return to work by her health care professional, the employee is required to notify Human Resources for the purpose of converting the continuing FMLA-qualifying absence from sick leave to compensatory/annual leave.

FMLA leave runs concurrent with other leave entitlements authorized by the Civil Service Rules. FMLA leave also runs concurrent with any leave compensable under the worker's compensation law of this state.

D. Determination that an Absence is FMLA Eligible

Human Resources, in collaboration with the employee's supervisory chain of command and appointing authority, is responsible for determining when an employee's absence is qualifying for FMLA leave and so designating such leave even if the employee does not specifically request FMLA leave. For this reason, Human Resources personnel have the right and duty to make reasonable and necessary inquiries of the employee regarding leave needs, and the employee has a corresponding duty to respond to such inquiries to facilitate the determination of whether the leave requirement is FMLA-qualifying. Failure to respond to such inquiries may result in the delay or denial of FMLA leave if Human Resources is unable to determine whether the leave is qualifying.

Supervisors are responsible for monitoring leave usage and notifying Human Resources of employee absences that may be FMLA-qualifying and should be so

designated. As a guide, supervisors should contact Human Resources when an employee has been absent due to illness for more than three consecutive days, routinely misses work for medical appointments for the same serious health condition or regularly requests annual leave to care for a family member. Upon being so advised, Human Resources personnel may contact the employee to determine the propriety of coding absences as FMLA-qualifying.

E. Confidentiality

Due to HIPAA regulations and the privacy rights of our employees, all FMLA documents are to be provided to and maintained in the Human Resources Division. Therefore, no other copies are to be maintained at the section or supervisory level. Completed FMLA documents should be mailed to Human Resources at P. O. Box 94396, Baton Rouge, LA 70804-9396 and/or faxed to (225) 342-3709.

F. Notification to Employee that his/her Absence is FMLA-Qualifying

Once it is known that a qualifying circumstance exists, the employee should be notified verbally, but must be notified in writing that the absence has been determined to be FMLA-qualifying and any leave used will be deducted from his/her FMLA balance. Written notice of eligibility for FMLA leave should be provided to the employee within five (5) business days.

If an employee is not eligible for FMLA leave or the leave need is not FMLA-qualifying, Human Resources will so notify the employee within five (5) business days of the request.

Should Human Resources later discover that the absence is not FMLA-qualifying, the employee shall be so notified and the leave previously designated as FMLA restored to the employee's FMLA quota.

G. Notice from Employee of Need for FMLA Leave

Any time an employee requests leave for a purpose qualifying under the FMLA, he/she shall notify the immediate supervisor that the leave requested is FMLA leave. If the employee is uncertain as to whether the intended leave is qualifying under the Act, his/her direct supervisor or Human Resources should be consulted.

Foreseeable Need - The employee must provide 30 days advance written notice to the immediate supervisor for leave that is foreseeable and pre-scheduled. If 30 days advance notice is not possible, the employee must notify the immediate supervisor as soon as the need for leave is known.

Leave Not Foreseeable – The employee must provide notice to the immediate supervisor as soon as practicable for leave that is not foreseeable. In no event should an employee seek to designate leave usage as FMLA-qualifying beyond three days following the leave occurrence.

Military Exigency/Military Caregiver – The employees must provide 30 days advance notice to the immediate supervisor when the need for leave is foreseeable. If thirty days advance notice is not possible, the employee must notify the immediate supervisor as soon as the need for leave is known. Notice to the supervisor must include the anticipated time and duration of the leave needed.

> **NOTE:** For leave that is not foreseeable and therefore not pre-scheduled, employees must realize that leave procedures must be honored. That is, call-in requirements must be satisfied to insure that leave is timely and properly requested, approved and then used.

H. Completed Certification of Health Care Provider

In all cases involving a non-military serious health condition, the employee is required to provide a completed Certification of Health Care Provider form. This document provides additional information to Human Resources to confirm that the absence is FMLA-qualifying. Any fees associated with the completion of the Certification shall be the responsibility of the employee.

For military exigency or servicemember caregiver leave, active duty orders or other documentation to support the exigency or a Certification completed by an authorized healthcare provider of the covered servicemember must be submitted.

I. Clarification of Medical Certification

If the Certification contains deficiencies or needs clarification, the employee must be afforded a minimum of seven days to do so. Efforts to clarify a Certification can be handled only by Human Resources personnel. By express law, supervisors are precluded from seeking clarification of an employee's medical status from the employee's health care provider.

J. Second Opinion

In any case in which DNR has reason to doubt the validity of the Certification provided by the health care provider or questions whether the leave need is due to a qualifying serious health condition, DNR may require, at its expense, that the employee obtain the opinion of a second health care provider designated or approved by the Department. If the second opinion differs from the opinion in

the original Certification, DNR may require, at its expense, the opinion of a third health care provider approved jointly by the Department and the employee. Any such third opinion shall be considered final and binding on DNR and the employee.

K. Re-Certification

Once a Certification from a qualified health care provider is accepted such that FMLA leave has been approved, additional inquiries or re-certifications generally will not be required. However, as allowed by law, DNR may require re-certification on a reasonable basis. This may occur if leave usage extends beyond the duration originally requested or if the circumstances set forth within the original Certification change significantly.

L. Restoration after Leave

Upon return from FMLA leave, an employee generally will be restored to the position of employment he/she held when the leave commenced or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of FMLA leave.

Restoration to the prior position may be denied:

1. If it can be shown that the employee would not have been employed at the time reinstatement is requested;

2. If the employee fails to provide a fitness for duty certificate to return to work;

3. If the employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave; however, the employee must be given a reasonable opportunity to fulfill such conditions upon return to work; or

4. If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition.

M. Return to Duty Certificate

An employee returning from FMLA leave due to a serious health condition generally will be required to present certification from a qualified health care provider setting forth his/her fitness to return to duty to perform the essential functions of the position. Within this certification, the health care provider must

also identify, with particularity, any restrictions/limitations upon the employee's return to duty.

X. GROUP HEALTH AND LIFE INSURANCE

1. Maintenance

   For the duration of FMLA leave, the employee's then existing group health insurance coverage through the Office of Group Benefits shall be maintained at the same level and under the same conditions as provided prior to commencement of the leave. Should the employee fail to pay his/her share of the insurance premium, DNR will satisfy the employee's share of the Group Health Insurance premium and then pursue reimbursement of the sums paid upon the employee's return to work as allowed by the Act.

2. Supplemental Insurance

   Premiums for supplemental insurance policies must be paid directly by the employee while out on FMLA leave. The employee must contact Human Resources to arrange payment of the employee's share of these premiums to avoid a lapse in coverage. DNR will not pay the employee's portion of the premiums for these policies.

3. When Coverage Is Dropped

   DNR will not pay the employee's share of the premium and thus cease maintenance of group health insurance coverage if and when:

   a. The employee informs DNR of his/her intent to not return from leave; or

   b. The employee fails to return from leave, thus abandoning his/her position; or

   c. The employee exhausts the FMLA leave entitlement.

   In some situations, the employee may be entitled to continue group health care coverage under COBRA (Consolidated Omnibus Budget Reconciliation Act).

XI. EXCLUDED CONDITIONS

The Code of Federal Regulations identifies certain conditions which are not considered to be serious health conditions and which are not covered by the Act. The following list of non-covered medical conditions is not all-inclusive, but is intended to provide insight

as to the ordinary conditions (which do not result in complications) Congress did not contemplate as qualifying as serious health conditions: common colds; flu; ear aches; upset stomach; minor ulcers; headaches, other than migraines; routine dental or orthodontia problems; periodontal disease; and conditions for which cosmetic treatments are administered (most acne treatments or plastic surgery) unless inpatient hospital care is required.

The Code of Federal Regulations lists several other conditions which may be serious health conditions if all other requirements are met. These include: restorative dental or plastic surgery after an injury or removal of cancerous growths; mental illness; allergies; and substance abuse treatment.

XII. EXCEPTIONS

Requests for an exception to this policy must be submitted in writing to the Human Resources Director. Exceptions will be granted in consultation with the employee's appointing authority, but only for justifiable reasons permissible under and supportive of the purpose and intent of the Act.

XIII. VIOLATIONS

It is unlawful and thus prohibited for any appointing authority, administrator, manager, supervisor or employee to:

1. Interfere with, restrain or deny the exercise of any right provided under the FMLA; or

2. Discriminate against an employee in any way for having requested or used FMLA leave; or

3. Discipline or discriminate against any employee for opposing any practice made unlawful by the FMLA or for involvement in any proceeding relating to the FMLA.

Any employee found to have violated this policy may be subject to disciplinary action, including the possibility of termination.

XIV. NON-COOPERATION

Any employee who fails or refuses to discuss or provide medical documentation supportive of a request for FMLA leave may have his/her leave request delayed or denied.

XV. OTHER CONSIDERATIONS

Should any aspect of the Americans with Disabilities Act be triggered by a request for FMLA leave or the medical documentation submitted in support thereof, Human Resources will engage the employee in further discussions and if warranted, afford him/her the benefits of the Act.

XVI. FORMS

FMLA leave requests and related notices must be processed via use of the forms designated by Human Resources. These forms are provided on DNR's intranet site or may be obtained directly from the Human Resources Division.

XVII. QUESTIONS

Questions regarding this policy should be addressed to the Human Resources Division.

APPROVED & AUTHORIZED:

STEPHEN CHUSTZ, SECRETARY