



**Disability Management Office**  
**Leaves of Absence – General Information**  
**Michigan Civil Service Commission**  
**400 S. Pine St., P.O. Box 30002, Lansing, Michigan 48909**  
**Phone: 877.766.6447 Fax: 517.241.9926**

Classified state employees may qualify for leaves of absence under the Family and Medical Leave Act (FMLA) and under leave entitlements in Civil Service Regulations and collective bargaining agreements. Regardless of the reason for a leave, employees must submit a written leave request at least 30 days in advance on the appropriate form, when foreseeable. If this is not possible, requests should be submitted as early as practicable. An employee who will miss five or more consecutive days of work for an FMLA-qualifying reason must submit a leave application form (CS-1838) to the CSC Disability Management Office (DMO), whether or not an employee uses leave credits for the absence. Supervisors must also notify the DMO when employees are off work for a medical reason for five days or more or return from a leave of absence for payroll purposes.

The DMO has authority to approve or deny leave requests, as delegated by appointing authorities. An employee's employment history, civil service regulations and collective bargaining agreements, and operational needs are considered in reviewing leave requests. The DMO may take up to five business days after receiving all required information to respond. Employees must call in daily according to normal departmental procedures until the DMO approves a leave. To ensure desired use of leave credits, employees must inform their supervisor of their intent to freeze leave credits as indicated on the leave request. The DMO does not provide this information to the department until a leave is approved.

The DMO may have employees examined by a physician selected and paid by the agency for any initial medical leave request, extension, and return to work. To request extension of a previously approved leave, employees must provide a new medical statement or certification to the DMO **five days** before the approved leave expires. Employees who do not return to work after a leave or who have not provided appropriate documentation to request an extension may be separated after three days for vacating their positions.

During an FMLA leave, the state pays its portion of health, dental, and vision insurance premiums if an employee submits the required employee share of premiums. Additionally, the Long-term Disability (LTD) rider pays health premium for covered employees while on a personal unpaid medical leave for up to six months. Employees must pay the full premium (state and employee share) for health, vision, and dental insurance after any insurance coverage benefits under FMLA and LTD expire to continue coverage. The life insurance premium is also waived for employees receiving LTD benefits. To facilitate continuing coverage, employees must complete and return to the Employee Benefits Division the COBRA form that the DMO provides.

Before returning from a leave for a personal medical condition, employees must provide the DMO a written medical statement from their treating health care provider certifying the release date to return to work and fitness to resume regular duties with or without restrictions. The certification must be **dated within ten days** of the return-to-work date.

Time on an unpaid FMLA, medical, or parental leave does not count toward seniority or continuous service hours. Plan-A hours cannot be used during a leave. See Regulation 2.03 for additional information on leaves of absence. Exclusively represented employees should consult their collective bargaining agreement. For more information on FMLA and other leaves, visit the DMO website at: [www.michigan.gov/dmo](http://www.michigan.gov/dmo). Agencies' HR intranet pages may contain additional leave information specific to each agency.

### **Medical, Parental, Family-Care, and Qualifying-Exigency Leave under the FMLA**

Under the FMLA, employees may be eligible for 12 workweeks of paid or unpaid leave during a 12-month period if they have been employed by the state for one year and physically worked 1,250 hours during the previous 12 months. The FMLA also covers employees needing time off for intermittent or a reduced schedule. FMLA hours run concurrent with qualifying leave credits such as sick and annual leave, unpaid civil service parental and medical leaves, workers compensation, etc. The following are FMLA qualifying events:

- A serious health condition making an employee unable to perform job duties (medical).
- Birth and care of an employee's newborn child or placement with an employee of a child for adoption or foster care (parental).
- Care of an employee's spouse, child, or parent with a serious health condition (family care).

- Any qualifying exigency arising from an employee’s spouse, child, or parent covered active duty or impending call or order to covered active duty in the armed forces (qualifying exigency).

“Serious health condition” means any illness or impairment that involves (1) an overnight stay in a medical facility, (2) an absence of more than three consecutive, full calendar days and continuing treatment by a health care provider, or (3) continuing treatment by a health care provider for a chronic serious health condition. A statement from a health care provider is required for an incapacity lasting five consecutive, full calendar days. An eligible employee who requests leave based on a serious health condition is placed on an FMLA leave. During an approved FMLA leave, use of annual, BLT, compensatory time, or deferred leave hours is optional and counts against an employee’s FMLA entitlement. Any accrued sick leave credits must be used as follows:

- For medical leave, sick leave credits must be exhausted before going on an unpaid leave.
- For parental and qualifying-exigency leave, sick leave credits cannot be used.
- For family care leave, sick leave credits must be used. A non-exclusively represented employee may request in writing to freeze up to 80 hours of sick leave; represented employees should consult their collective bargaining unit agreements.

### **Military Caregiver Leave under the FMLA**

A military caregiver leave (MCL) may be taken to care for a covered service member who is an employee’s spouse, child, parent, or next of kin. An employee must have been employed by the state for at least 12 months and have worked at least 1,250 hours in the previous 12-month period to be eligible. A total of 26 workweeks of military caregiver leave may be taken during a 12-month MCL entitlement period, but any other FMLA leave during the period also counts toward the 26-week entitlement. Sick leave hours must be depleted to a balance of 80 hours before going on unpaid leave. For more information, contact the DMO.

### **Parental Leave**

Civil Service regulations provide for parental leave of up to 6 months for parents to care for a child after birth or adoption; the leave must end within 12 months of the birth or adoption. Up to 12 workweeks of parental leave granted under the FMLA also counts towards this 6-month entitlement. To be eligible for a parental leave, an employee must have satisfactorily completed an initial probationary period. Employees represented by a collective bargaining agreement should review the agreement for eligibility requirements.

### **Medical Leave**

A medical leave may also be available for an employee who requires medical treatment beyond the coverage of available sick leave credits. When practical, requests should be made before leaves begin. The Leave of Absence Application for FMLA, Medical, and Parental Leaves (CS-1838) and Certification of Employee’s Serious Health Condition (FMLA) (CS-1837) forms are required to request or extend a leave. All sick leave hours must be exhausted before an unpaid medical leave. Annual, BLT, compensatory time, or deferred leave hours may be used or frozen.

Following use of all sick leave, an unpaid medical leave of absence for non-exclusively represented employees may be approved for up to six months if an employee has completed the equivalent of six months full-time employment with the state. Requests for extensions beyond the six-month maximum are evaluated on a case-by-case basis considering operational needs. Represented employees should consult their bargaining unit agreement for medical leave eligibility standards. Any FMLA medical leave entitlements run concurrent with this 6-month entitlement.

### **Disability Retirement**

A defined benefit plan member should apply for disability retirement within one year of termination of state employment.

Defined contribution plan members should apply before termination of state employment and within one year of being totally incapacitated, which is generally considered to be the last day actually worked. Deadlines are important for defined contribution plan members who are on extended disability leaves before separation.

Please contact the Office of Retirement Services at (800) 381-5111, if you have any questions about disability retirement.