



North Carolina Department of Public Safety

Human Resources

FIL Quick Reference Guide

5/11/12

Eligibility	<ul style="list-style-type: none"> • Permanent, Probationary, Trainee & Time-Limited appointments • Full time & part time (half time or more – with a prorated entitlement) • Employees must have 12 months of state service • Employees must have been in pay status 1040 hrs during the preceding 12 months • 12 months of state service & 1040 hrs do not have to be consecutive – Prior service will be considered • Temporary & contractual employees are NOT eligible
Qualifying Events	<ul style="list-style-type: none"> • Serious health condition of spouse, child or parent • Period of incapacity due to pregnancy • Health condition of employee is NOT eligible
General Entitlements	<ul style="list-style-type: none"> • 52 weeks of job protected leave within a 5 year period measured forward from the date leave begins • Re-employment in same or equivalent position with equivalent pay
Process	<ul style="list-style-type: none"> • Employee requests FIL • FIL eligibility is verified & employee notified of eligibility status • If eligible, employee is notified in writing of FIL designation • If not eligible, employee is notified in writing when eligibility will be met • Time/ Leave Administrator or LOA Case Manager exhausts applicable leave in CAT2 in SAP • If the employee remains out on leave of absence for 15 or more calendar days counted on their standard work schedule & FIL still applies, a DC154L should be submitted to place the employee on LOA -FIL
Forms	<ul style="list-style-type: none"> • US Dept. of Labor Certification of Health Care Provider form (Form WH-380F) • FIL Designation / FIL Provisional Designation Letter • Leave of Absence (LOA) Request form for requesting FIL leave • FIL Worksheet
Physician's Certification	<ul style="list-style-type: none"> • The US DOL Certification of Health Care Provider form is mandatory unless the employee has requested VSL & has provided medical documentation on the VSL doctor's certification form • Diagnosis needed to establish if the event qualifies as FIL & employee is needed to help with patient's



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	<ul style="list-style-type: none"> physical or emotional care Beginning date of the “condition” or date of qualifying event needed to establish the beginning date of the FIL 5-year period Beginning & Ending date of disability period needed to determine duration of incapacity
FIL Notifications	<ul style="list-style-type: none"> Employer must provide written notice to employee detailing expectations, requirements & consequences of failure to meet FIL obligations FIL can be provisionally designated pending receipt of supporting medical documentation, if the employee has requested the leave, but the reason for leave has not been confirmed as qualifying for FIL Provisional FIL designations can be revoked if appropriate medical certification is not provided
Recording Leave	<ul style="list-style-type: none"> Leave may be with or without pay Employees can choose to exhaust all or any portion of VL, BV, SL, Comp leave Leave exhaustion request must be provided by employee prior to the commencement of leave Holidays (9300) used while exhausting leave for an FIL event are designated as FIL FIL leave may be used on an intermittent basis Not all absences during an FIL event are FIL relevant Any portion of a week used as FIL would count as one full week
Expiration of FIL Period	<ul style="list-style-type: none"> Once the FIL leave has been exhausted, the employee is no longer protected under the FIL regulations. The FIL Entitlement Period will end when the 5-year rolling period has expired, regardless if there is a FIL balance. If the employee remains on LOA/LWOP, once all FIL entitlements are exhausted, a Revised DC154L should be submitted to change the reason for LOA to Other for family leave
Employer Responsibilities	<ul style="list-style-type: none"> Establish Policy Post Policy for employee notification Supervisor required to obtain & forward first hand knowledge of FIL request to the manager Manager/designee determines employee eligibility, leave entitlement, leave options Manager/designee has responsibility to designate FIL as applicable



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	<ul style="list-style-type: none">• Manager/designee notifies employee in writing of designation or eligibility status• Agency maintains equivalent job for applicable period• Agency maintains FIL records for 3 years
Employee Responsibilities	<ul style="list-style-type: none">• Apply for leave in writing• Provide supporting medical certification• Provide completed LOA Request Form• Give notice of intention to return to work
Appeal Options	<ul style="list-style-type: none">• Employees can appeal under State Personnel Act Guidelines
Policy Reference	<ul style="list-style-type: none">• The Guidelines above are intended as a quick reference guide and are not all-inclusive.• Exceptions may apply.• Please refer to OSP Personnel Policy and the DPS Central HR FIL Program Manager for the most current policy information.