

January 14, 2015

To: Faculty and Staff

From: Carrie Loewen, Human Resources

Re: Family Medical Leave (FML) – Change in Calculating from Calendar Year to a Rolling 12-month Period

The Oregon Family Leave Act and Family Medical Leave Act (both called Family Medical Leave) regulations define four different methods that an employer may use to determine the amount of FML an employee has used within a 12-month period under the Act.

The regulations state that “an employer is permitted to choose any one of the following methods for determining the 12-month period” in which the 12 weeks of leave entitlement occur:

1. The calendar year.
2. Any fixed 12-month “leave year,” such as a fiscal year, a year required by state law or a year starting on an employee’s “anniversary” date.
3. The 12-month period measured forward from the date any employee’s first FML leave begins.
4. A “rolling” 12-month period measured backward from the date an employee uses any FML leave.

To more effectively track family leave, Human Resources is implementing the “rolling” method (item #4 above) also commonly known as the “look-back” method. Using this method, HR will look back over the last 12 months from the date the leave commences (or is scheduled to commence), add all qualifying FML time the employee has used during the previous 12 months and subtract that total from the employee’s 12-week leave allotment.

Prior to making this change, the College is required to provide employees with a 60-day notice. Following this 60-day notice, the change in the 12-week calculation (during a 12-month period) will be effective on March 15, 2015. Employees currently on family leave will have a “look-back” date effective January 1, 2015. If you have any questions, please contact Carrie Loewen (carriel@clackamas.edu; ext. 3457), Sara Simmons (saras@clackamas.edu; ext. 3303) or Patricia Anderson Wieck (patricia.anderson@clackamas.edu; ext. 3300).

Below is an example of the “rolling or look-back” method from the U.S. Department of Labor website: (<http://www.dol.gov/whd/regs/compliance/whdfs28h.htm>)

- *Example:* Michael requests three weeks of FMLA leave to begin on July 31st. The employer looks back 12 months (from July 31st back to the previous August 1st) to see if any FMLA leave had been used. Michael had not taken any previous FMLA leave, so he is entitled to the three weeks he requested and has nine more weeks available.

