

**MSU Human Resources Q & A as of 4/16/2020**

1. Can I use sick leave to supplement the unpaid 1/3 of Expanded FMLA?
  - a. Yes. The Chancellor's office changed this answer. To enter this into the system, take the number of FMLA hours for the day and divide by 3. This is the amount of leave you need to enter into the Employee Self Service System for your supervisor to approve.
  
2. Can I work for 1/3 of my hours rather than use leave to supplement the unpaid 1/3?
  - a. No. For FMLA+, you can work hours, but you cannot claim FMLA for any hours worked. You are a 40 hour/week employee, or 8 hours/day. This means the number of hours you work in a day plus the number of FMLA hours you are using must equal 8. The FMLA hours is 2/3 paid, so you can either take nonpaid or use leave to cover the missing 1/3 pay.

Example 1:

If you work 5 hours, then you only need to use 3 hours of FMLA. That 3 hours of FMLA is paid out at 2/3 rate. So of the 3 FMLA hours, 2 are paid, 1 is nonpaid. You would need to make a decision on if you want that 1 hour to be...paid out by taking your leave or if you want that 1 hour to be actual nonpaid time.

Example 2:

40 hour work week 15 hours worked, 25 hours FMLA

Of those 25 hours of FMLA:

2/3 is paid = 16.67 hours paid

1/3 is nonpaid = 8.33 hours nonpaid

The 8.33 hours can be taken as nonpaid or can be covered with annual leave, sick leave, or comp time.

3. Since my daycare is closed, can I change my annual election for Dependent Care?
  - a. Yes. Although COVID itself is not a "qualifying life event", a change in childcare cost, an increase or decrease, is for Dependent Care.

The form an employee needs is the ASI Change form (attached to email). You will see the section to the right that states "DCFSA Only". That is area the employee needs to mark for dep care spending if the cost is the qualifying life event. This change would be reflected on the next pay period check after being received. Please note: you cannot reduce the annual election to less than has already been received. To find this amount, you will want to look under YTD on your last pay stub.

4. If I am on FMLA, could I still be a part of a furlough or reduction in force (RIF)?
  - a. Yes. An employee on FMLA leave is not protected from actions that would have affected him or her if the employee was not on FMLA leave. For example, if a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours. If an employee is laid off during the period of FMLA leave, the employer must be able to show that the employee would not have been employed at the time of reinstatement.