



FAMILY MEDICAL LEAVE
For Employees of Indiana State Government

FML and Worker's Compensation

October, 2015



FML & Worker's Comp

FML may run concurrently with Worker's Compensation, if ...

**the injury meets the definition of a
“serious health condition,”
and
the employee is eligible for FML.**



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A Serious Health Condition is defined as:

- **An illness, injury, impairment, or physical or mental condition that:**
 - Requires inpatient care,
 - Causes an incapacity of more than three consecutive calendar days and requires continuing treatment by a health care provider, or
 - Is a chronic or long-term condition.



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Situation A

- An employee trips over a power cord in the office, falls and hits his head causing an injury that requires stitches. Injury protocol is followed, and the employee is released to return to work on the next day.

Situation B

- Same situation as A, but the next work day the employee calls in sick due to a severe headache and returns to the Health Care provider. After examination, a concussion is diagnosed and the employee is hospitalized for two days with a return to work date to be determined.

In which situation should the employee apply for FML?
A, B, both, neither?



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Situation A – No FML request should be made. The incident does not meet the definition of a serious health condition.

Situation B – The employee should apply for FML. If approved, it will run concurrently with the Worker's Compensation claim.

- The injury most likely will require continuing treatment, and
- Require inpatient care.
- It is unclear how much leave will be needed. A completed Health Care Provider form will assist with answering the question of duration and provide additional medical information that may be needed.



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FML will run concurrently with Worker's Comp if/when appropriate. As a reminder:

Worker's Comp

- Applies to injuries occurring within the scope and course of employment.
- First Report of Injury form must be completed within 24 hours of incident.
- Form must be submitted to Supervisor and HR.

FML

- Applies to some Worker's Comp injuries, but not all.
- A completed Certification of Health Care Provider form is required.
- The employee must submit application through PeopleSoft – Self Service.



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Have a Question?

Call the SPD FMLA Line

317-234-7955

or toll free

1-855-SPD-INHR

(1-855-773-4647)



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