

Program Letter

United States
Railroad Retirement Board
Office of Programs



Quality Reporting Service Center

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Circular Letter UI-C-232

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TO: **Chief Executive Officers
Unemployment and Sickness Insurance Contact Officials**

SUBJECT: **Family and Medical Leave Act**

Please share this information with the appropriate members of your staff who file service and compensation reporting forms for employees of your organization.

This letter provides information about the eligibility of employees who take leave under the Family and Medical Leave Act (FMLA) for unemployment and sickness benefits under the Railroad Unemployment Insurance Act (RUIA). The letter also explains what information railroad employers should provide to the Railroad Retirement Board (RRB) in prepayment claims verification responses about employees on leave under the FMLA.

Background

The FMLA provides employees with up to 12 weeks of leave per year to attend to their own health problems or those of their child, spouse or parent. Leave is also available for the birth, adoption or placement of a child in foster care. Under the FMLA, an employee cannot lose employment rights merely because he or she takes leave under the terms of the FMLA.

Eligibility Under the RUIA

In general, the RUIA defines a day of unemployment as a day on which an employee is able to work and is available for work, and for which he or she receives no pay. A day of sickness is defined as a day on which an employee is unable to work because of any injury or illness and for which he or she receives no pay.

An employee who takes paid leave from service under FMLA is not eligible for unemployment or sickness benefits because of the receipt of remuneration. Keep in mind that the term "paid leave" does not include supplemental benefits paid under nongovernmental plans approved by the RRB.

If an employee takes unpaid leave under FMLA, unemployment benefits are not payable because the employee is not available for work due to personal circumstances, and sickness benefits are

not payable in cases where the employee takes leave under FMLA to care for a family member or because of a birth, adoption or placement of a child in foster care. On the other hand, an employee who takes unpaid leave for his or her own health problems may be eligible for sickness benefits if he or she is unable to work due to sickness, injury or, in the case of a female employee, pregnancy or the birth of a child.

Employer Prepayment Claims Verification Responses

Section 5 of the RUIA provides that when a claim for unemployment or sickness benefits is filed with the RRB, the RRB is required to provide notice of the claim to the claimant's base year railroad employer or employers. The notice is provided so that the employer has an opportunity to submit information relevant to the claim before a decision is made to pay or deny benefits. This prepayment claims verification process allows railroad employers to have input into the unemployment and sickness insurance program, and some control over the benefits charged to them under the experience rating provisions of the RUIA.

The RRB provides prepayment notice of claims for benefits either by electronic data interchange (EDI) or printed Form ID-4K, Prepayment Notice of Employee's Application and Claims for Benefits. Employer responses to notices of applications and claims should be made to the RRB within 3 business days of the date of the notice.

Employers using the prescribed EDI formats to report daily payroll status information to the RRB should use code "CL" for any day that an employee is on leave under the FMLA.

Code Description Use

CL - Compassionate Leave Day

Off due to death or illness in family; day off to attend a funeral; day off under the Family and Medical Leave Act.

In addition to the payroll status code of "CL," the 1-digit numeric code indicating whether the employee was paid wages for the days is to be reported. The codes are: 0 - not paid, 1 - paid.

Employers who do not use EDI to report to the RRB should provide this information by telephone to the RRB office indicated on the Form ID-4K notice.

If you have questions or need additional information about reporting information to the RRB related to employees on leave under the FMLA, please contact the RRB office serving your area, or write to the U.S. Railroad Retirement Board, Office of Programs - Policy and Systems, 844 North Rush Street, Chicago, Illinois 60611-1275.