

## FMLA FAQ Sheet

### 1. What is FMLA leave?

The Family and Medical Leave Act (FMLA) provides eligible employees with unpaid leave for the employee's own serious health condition or the serious health condition of a parent, spouse or child, for childbirth, caring for a newborn child (childrearing), placement of a child for adoption or foster care, and for certain leaves associated with the employee's or certain family member's military service or to care for certain family members or next of kin who are servicemembers with serious illness or injury.

### 2. Am I eligible for FMLA leave?

An employee is eligible for FMLA leave if he or she has been employed by the school district for at least 52 weeks and worked 1,250 service hours during the 12-month period immediately prior to the start of leave.

### 3. What is a "serious health condition?"

A "serious health condition" means an illness, injury impairment, or physical or mental condition that involves one or more of the following:

- Inpatient Care. An overnight stay in a hospital, hospice, or residential medical care facility including any period of incapacity or subsequent treatment in connection with such inpatient care.
- Incapacity and Treatment. A period of incapacity (e.g., inability to work, attend school or perform other regular daily activities) of more than three consecutive, full calendar days, including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  - (a) Treatment two or more times within 30 days of the first day of incapacity (unless extenuating circumstance exist), by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or be a provider of health care services (e.g. physical therapist) under orders of, or on referral by a health care provider; or
  - (b) Treatment by a health care provider on at least one occasion within seven days of the condition, which results in a regimen of continuing treatment under the supervision of the health care provider.
- Pregnancy
  - (a) Any period of incapacity due to pregnancy; and
  - (b) Prenatal or postnatal care.
- Chronic Conditions Requiring Treatments. A chronic condition:
  - (a) Requires periodic visits for treatment by a health care provider (at least two per year), or by a nurse or physician's assistant under direct supervision of a health care provider.

- (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (c) May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy)
- Permanent/Long-term Conditions Requiring Supervision

A period of **incapacity** which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not to be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

- Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under the orders of, or on referral, by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc), severe arthritis (physical therapy), kidney disease (dialysis).

4. **When should I apply for FMLA?** As soon as you know of the need for leave that may qualify as FMLA leave, you should submit a request for FMLA leave using the link provided on the Shelby School District Website. For a foreseeable leave, such as for birth, adoption or planned medical treatment, you must provide at least a thirty (30) days-notice. For leave that is not foreseeable, you must provide leave as soon as practicable after learning of your need for leave.
5. **How do I apply for FMLA?** Your responsibilities include: • Notifying your work site supervisor as soon as you know that such a leave will be needed. Submit your request by using the electronic FMLA Request form at <http://request.efmla.com/request-ind.tpl?A1=33843c20727S021> •
6. **What if I don't need to take all 12 weeks at once?** There is an intermittent or reduced schedule option for FMLA leave. The employee is allowed to take the 12 weeks intermittently or on a reduced work schedule. Make sure to involve the supervisor to minimize operational disruption.
7. **While on leave do I receive a paycheck?** If the employee has any paid accrued sick leave, paid personal leave, and comp-time, that time will run concurrently with the FMLA leave and the employee would receive pay for those days. Employees also may use any available vacation leave during FMLA leave. Once all paid leave has been exhausted, the employee will be on approved unpaid leave for the remainder of the FMLA leave. If the employee has Short Term Disability and has filed an approved claim, disability benefits/pay will begin the 15th calendar day of absences. The

employee has an available percentage option which determines the amount of disability pay. The employee would be on approved unpaid leave if they have no paid accrued time or Short-Term Disability.

- 8. What if I have no accrued time off and no Short-Term Disability?** If the employee is a member of the Sick Bank, a total of 15 days can be borrowed from the bank. Borrowed days must be paid back to the sick bank. Once the 15 days have been exhausted, the employee is eligible to file for Catastrophic Leave / donated days. Donated days are not paid back. Forms for Sick Leave Bank and Catastrophic Leave are located on the Shelby County Board of Education website under internal employee forms.
- 9. Does FMLA leave count towards retirement?** FMLA counts towards retirement if the employee is in paid status. Once all pay status has been exhausted, FMLA leave will not count towards retirement.
- 10. How do I file a Short-Term Disability Claim?** To file a Short-Term Disability Claim call The Hartford, 1-800-445-9057, and give the policy number GRH-677780.
- 11. Does FMLA affect my insurance?** An insurance allocation is the amount the State pays for each employee's insurance premium. The employee accrues one allocation of insurance benefit for every month worked and one extra allocation for every three consecutive months worked. If the employee does not have enough allocations to cover premiums for all months, then the insurance price for the employee will be their premium plus the amount the state pays. If you are in pay status, FMLA will not affect your insurance. If you are in unpaid status, FMLA will affect your insurance as follows: You must pay the employee portion of the premium, and if you have not earned enough allocations to cover 12 months then you must pay the full premium (the State portion plus the employee portion of the premium). If such premium payments are not made, insurance coverage will lapse and no benefits will be paid for claims incurred while the policy has lapsed. The Board retains the right to collect all insurance premiums from the employee which was paid by the Board if the employee does not return to work after FMLA leave has ended, unless the employee does not return because of a serious health condition or other circumstances beyond the employee's control.
- 12. While on FMLA, do I accrue sick/vacation time?** Vacation and sick time will accrue while on FMLA if the employee is in pay status.
- 13. What happens with my other benefits?** Any unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work.
- 14. If I need to extend my leave do I need to contact my supervisor or Human Resources?** Contact both the supervisor and Human Resources. Send in writing (letter, email, etc.) to Human Resources the request to extend leave time along with the corrected dates. We will notify you if any additional medical documentation is required.