

Family & Medical Leave Act



Purpose of this training

It is essential for all employees to understand how to comply with FMLA and the City's own FMLA policy so that they can receive the full and correct benefit of the law.

Purposes of FMLA

The Family and Medical Leave Act (FMLA) leave of Absence, by statute is an unpaid leave from work of up to 12 weeks, which grants employees time, not compensation to handle serious medical issues of their own, or an immediate family member's or for an adoption.

FMLA Leave Entitlement

FMLA provides for up to 12 weeks of leave in a 12-month period as defined by the employer for the following circumstances:

- Birth of a son or daughter and to care for the newborn child. This applies to both the mother and the father. The expectant mother may take FMLA leave for prenatal care or if the pregnancy makes her unable to work prior to the actual birth of the child.

FMLA Leave Entitlement

- Placement with the employee of a son or daughter for adoption or foster care. This leave must be given before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

FMLA Leave Entitlement

- Care for the employee's spouse, son, daughter or parent with a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of his/her job.

Note: These two circumstances cover illnesses of a serious nature, resulting in absence. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity.

FMLA Leave Entitlement

Care for a family member encompasses:

- Physical and psychological care
- Instances when the employee is needed to fill in for others providing care
 - -You must use the 5 Day Family Leave for this type of Leave and will only be paid for 5 days.

Medical Certification

FMLA leave must be supported by a medical certification issued by a health care provider for:

- Ø Employee's serious health condition
- Ø Family member's serious health condition
- Ø Qualifying exigency for military family leave
- Ø Serious injury or illness of the covered service member for military family leave.

Employee Responsibilities –FAQs

- When do I let HR and my principal know I need to take time off from school?
 - As soon as you know you are going to be out of school, tell your Principal and call HR
- Do I need to fill out any paperwork?
 - Yes, a request form is completed by you and submitted to HR. Your Dr. also needs to fill out a form and submit that to HR as well.

Both forms are available on line.

Employee Responsibilities – FAQs

- Do I have to use my sick time and/ other paid time while out on leave?
 - Yes, you must use your sick time first and any other accumulated paid time off while out on leave.
- When does my leave begin?
 - Your paid leave begins the day your Dr. instructs you to stop working.

Employee Responsibilities – FAQs

- If you are out due to your own medical condition, you must use your sick pay to provide you with pay during your FMLA leave. If you run out of sick time, we will use your personal or vacation time to provide you with pay.
- Once you run out of paid time of your own, you may ask your fellow union members to donate days to you.

Employee Responsibilities - FAQs

If you are out due to your pregnancy, your sick leave ends either 6 or 8 weeks postpartum, depending upon the type of delivery you experienced. Most Drs. release their patients back to work at these intervals. You can remain out of work for the 12 weeks, but you would not get paid for the weeks following your postpartum. The original note should be sent to HR and your school can keep a copy.

Employee Responsibilities – FAQs

- Do I need to call AESOP every day while I am out on FMLA?
 - No, the day you begin your FMLA, HR advises the Substitute office, Payroll, your school and others who have a need to know, so you do not need to call AESOP every day.
- Do I need to let someone know when I am returning to school?
 - Yes you must notify your school and HR of your return to work date one week in advance of the date.

Employee Responsibilities – FAQs

- Do I need to bring a Dr.'s note the day I return to school?
 - Yes, your Dr. must fill out the Fit for Duty form, which is provided to you when you begin your FMLA. We cannot allow you to return to work without it.

Intermittent/Reduced FMLA Leave

Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason.

Reduced leave schedule reduces an employee's usual number of working hours per workweek for a period of time, usually full-time to part-time

Planned or unanticipated treatment that is medically necessary is usually the reason for an intermittent leave

Pay during FMLA

FMLA does NOT require paid leave.

The law allows employers to require employees to use any paid leave during their FMLA.

The City includes this requirement in its FMLA policy. In other words, when possible, we run FMLA leave concurrently with sick, personal, maternity and workers' compensation leaves.

Fitness for Duty

When you are ready to return to work, if the reason you were out was due to your own personal medical need, then you must provide us with a Fit For Duty form from your Dr.'s on or before the day you return.

The note will advise us if you have any physical limitations we should know about. We would review what they are and wherever possible accommodate them.

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Q & A Session