

A woman with dark, curly hair, wearing a white tank top, is leaning over a child who is lying in a hospital bed. The woman is smiling warmly at the child. The child is looking up at the woman. The background is a bright, out-of-focus hospital room.

# 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 to handle important medical issues of their own, or a family member's or for an adoption.

# Eligible Employees

**An employee is eligible for FMLA leave when he/she:**

- Ø Has been employed by us for at least 12 months
- Ø Has worked at least 1,250 hours during the 12 months preceding start of FMLA leave
- Ø Is employed at a worksite where 50 or more employees work within 75 miles of that worksite.

# 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.

# Employer Requirements

## **FMLA requires employers to:**

- Grant leave for family and medical circumstances, including leave for a servicemember.
- Reinstate the employee to the same or an equivalent position upon conclusion of the FMLA leave.
- Continue health benefits at the same level as prior to the start FMLA 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 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.
- If you are out due to your pregnancy, your sick leave ends either 6 or 8 weeks postpartum, depending upon the type of

# Employee Responsibilities - FAQs

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 will only be paid for the time that your Doctor renders you unable to work. Time taken beyond the disabled period would be personal or unpaid time.

# Employee Responsibilities – FAQs

- Do I need to call Subfinder every day while I am out on FMLA?
  - No, the day you begin your FMLA, HR advises SubFinder, Payroll, your school and others who have a need to know.
- 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. A Fit For Duty form will be sent to you as part of the FMLA packet for your doctor to complete.

# Employee Responsibilities – FAQs

- Do I need to bring a Dr.'s note the day I return to school?
  - Yes, we cannot allow you to work without it. Either the original Fit For Duty form or other original doctor's release to duty certificate must be sent to HR. Your school can keep a copy.



# Joint Employment Entitlement

Ø **When a husband and wife both work for the company** and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.

# 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

Such leave is for planned or unanticipated treatment that is medically necessary.

# Intermittent/Reduced FMLA Leave

Employees needing Intermittent or Reduced leave must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider.

# Intermittent/Reduced FMLA Leave

Only the amount of leave actually taken while on Intermittent or Reduced leave may be charged as FMLA leave. Employees may not be required to take more leave than necessary to address FMLA circumstances. Employers must account for FMLA in the shortest period of time the payroll system allows; provided it is one hour or less.

# Intermittent/Reduced FMLA Leave

An employer cannot ask employees for a doctor's note for each use of intermittent FMLA leave.

Contact your HR Generalist if you have questions on your use of FMLA leave.

# Military Leave Entitlement

A qualifying exigency for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation. This leave may commence as soon as the individual receives the call-up notice.

# Military Leave Entitlement

**FMLA provides for up to 26 weeks of leave in a single 12-month period for the following circumstance:**

- ∅ To care for a spouse, son, daughter, parent or next-of-kin covered servicemember with a serious illness or injury incurred in the line of duty on active duty. Next-of-kin is defined as the closest blood relative of the injured or recovering servicemember. This type of FMLA leave is also known as military caregiver leave or covered servicemember leave.

# Military Leave Entitlement

## A qualifying exigency is as follows:

- Short-notice deployment.
- Military events and activities.
- Child care and school activities.
- Financial and legal arrangements.
- Counseling.
- Rest and recuperation.
- Post-deployment activities.

Additional activities that arise out of active duty, provided that the company and the employee agree, including agreement on timing and duration of the leave.



# Employer Challenges

Employer may not request additional information from the health care provider

HR Generalist may contact the employee's health care provider only for the following:

- Ø With the employee's permission
- Ø To clarify the information
- Ø Confirm the information provided

# Recertification

Employers may require subsequent recertification of a medical condition on a “reasonable basis.”

Medical certification forms are provided by your HR Contact.

# 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 Dr.'s note on or before the day you return to school.

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

# HIPPA

Protected Health Information is personal information related to an individual's health care:

- An individual's past, present or future physical or mental condition.
- The employer cannot use or disclose such information except under specified circumstances in accordance with a proper written authorization from the individual.

# HR Contact

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# Q & A Session