

FAMILY AND MEDICAL LEAVE ACT (FMLA)

What is FMLA?

FMLA is a form of leave for serious health conditions, childbirth/adoption, and care of a newborn or newly adopted child. It is governed by District Policy and Procedure 5404 as well as state and federal law. FMLA is unpaid, but may run concurrently with other forms of paid leave (see below).

Who is eligible and how much leave can employees receive?

Every district employee who has worked for the district at least twelve (12) months, and for at least 1250 hours during the twelve (12) months immediately preceding the commencement of the family leave is entitled to twelve (12) work weeks of leave. Specific eligibility is determined by H.R.

Is FMLA paid leave?

FMLA is unpaid leave. However, the employee may choose or the District may require the substitution of various forms of accrued paid leave for FMLA, assuming the conditions for the use of paid leave are satisfied. If paid leave is substituted, FMLA runs concurrent with, not in addition to, the paid leave. Examples include:

- **Leave for an employee's own serious health condition:** FMLA runs concurrent with accrued sick leave, personal Leave and/or vacation.
- **Leave to care for a new child:** FMLA runs concurrent With accrued personal leave and/or vacation.
- **Leave to care for an employee's spouse, dependent Child or parent with a serious health condition:** FMLA Runs concurrent with emergency leave, accrued personal Leave and/or vacation.

Examples of serious health conditions:

- Heart attacks
- Cancer
- Spinal injuries
- Back conditions requiring surgery
- Pneumonia
- Complications related to pregnancy
- Childbirth & recovery from childbirth

In general, what benefit does FMLA provide an employee?

FMLA gives eligible employees a right to a leave of absence in qualifying circumstances, along with certain return-to-work rights at the conclusion of the leave, including restoration to their original position or one that is equivalent. If the absence is covered by an already existing paid leave, such as sick leave, then FMLA may not add any benefit. If, on the other hand, the employee has already exhausted paid leave (or exhausts it during the FMLA leave period), FMLA ensures continuation of health plan contributions for the full twelve (12) weeks.

Is the employee required to provide advance notice to employer?

An advance notice of at least 30 days is required unless the family leave is not foreseeable, in which case the employee is required to provide notification within five (5) days of becoming aware of the need. If the employee is unable to provide notification due to a serious health condition, the employee's spokesperson (spouse, doctor, family member, etc.) may do so.