



# FMLA

## Family Medical Leave Act

### QUALIFICATIONS:

1. The employee must have been **employed for 12 months** with the employer prior to the leave.
2. The employee must have **worked 1,250+ hours** for that employer within the preceding 12 months. Vacation, sick, personal, or PTO time does not count toward this requirement.
3. The employee must have a **qualifying condition**, including:
  - o The employee's own serious health condition\*.
  - o The need to care for an immediate family member (spouse, child, parent) with a serious health condition\*.
  - o Placement or birth of a child (up to one year after child's birth or placement).
  - o Qualifying exigency related to an immediate family member in the military on "covered active duty."

### **RESOURCE:**

<https://www.dol.gov/whd/fmla/>

If the employer is subject to the FMLA leave (including public employers, such as ISD 917) and the employee qualifies under FMLA, then the employee has the right to **up to 12 workweeks of unpaid leave in a 12-month period**, which can be taken in one or more blocks of time. For some conditions, when medically necessary, the leave could also be taken intermittently or on a reduced schedule.

Giving Notice: Employees must adhere to the policies and contracts regarding notice, which is typically more notice than the FMLA stipulates. The FMLA states employees must request leave 30 days in advance when the need for leave is foreseeable, or as soon as practicable if less than 30 days.

The FMLA also **entitles the employee** to:

- **Job reinstatement** upon return from leave, in the same or equivalent role.
- **Continuation of group health benefits** during the leave.
  - o Employees are still obligated to pay their insurance premium contributions during those 12 workweeks.
  - o For leaves that extend beyond the 12 workweeks, employees are obligated to pay the FULL insurance premium (employee and District contributions) for any month in which they do not work at least one day. Employees may be moved to COBRA, which adds an additional 2% service fee. The fee is waived if the employee is on disability leave.
- In the case of an employee caring for a covered service-member with a serious injury or illness, the employee is granted up to 26 workweeks of leave (instead of twelve).

Intermittent Leave: In some circumstances, an employee may take leave in separate blocks of time or by reducing the time worked each day or week for a single qualifying reason. This is known as 'intermittent' or 'reduced schedule.' Employees must make a reasonable effort to schedule treatment and/or appointments so as not to unduly disrupt the employer's operations.

Intermediate School District 917 practices regarding FMLA:

- While FMLA states the leave is unpaid, ISD 917 requires all employees to use their available leave (PTO, sick, personal, vacation) congruently with their FMLA leave so they can receive pay while on leave.
- All employees requiring a leave of absence for more than five (5) days **MUST** submit a leave of absence request form to the Benefits Specialist in human resources.
- Those who qualify for FMLA are processed by human resources and do not go to the School Board for approval. Therefore, their leave information does not appear in the School Board notes published online.

\*FMLA defines Serious Health Condition as:

1. Inpatient care
2. Incapacity for more than three (3) days
  - o Unable to work, attend school, or perform other regular daily activities
  - o And the need for continuing treatment by a healthcare provider
3. Incapacity relating to pregnancy or prenatal care
4. Chronic serious health conditions
5. Permanent or long-term incapacity
6. Certain conditions requiring multiple treatments

To determine if an employee qualifies for the FMLA regarding a "qualifying condition," employees must submit documentation from their healthcare providers addressing the employee's ability to perform their regular, daily activities.