

Family Medical Leave Act FAQs

FREQUENTLY ASKED QUESTIONS

WHAT IS FMLA?

The Family Medical Act of 1993 (FMLA) is a federal law that provides unpaid, job protected leave to eligible employees, both male and female; in order to care for their families or themselves for specified family and medical conditions. Unpaid leave will be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job

FMLA was amended in 2008 and now permits a spouse, son, daughter, parent or next of kin to take up to 26 workweeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

WHO IS ELIGIBLE TO TAKE FMLA?

To be eligible, an employee must have worked for the De Soto #73 School District at least 12 months and at least 1,250 hours within a 12-month period before the leave begins.

HOW DO I TAKE FMLA LEAVE?

Complete the "FMLA Leave Request Form"

Once the Director of Human Resources reviews your request, you will receive a "Notice of Eligibility and Rights and Responsibilities" and may be required to have your doctor complete a medical certification to obtain or retain the benefit of FMLA protections. This certification must be **returned within 15 calendar days.**

DO I HAVE TO REQUEST FMLA?

Employees who are out or will be out longer than 5 work days, will need to complete the "FMLA Leave Request Form".

ARE FAMILY MEMBERS COVERED BY FMLA?

Please refer to answer number 1.

HOW MUCH FMLA CAN I USE?

You may take a maximum of 12 weeks. If a husband and wife both work for the De Soto #73 School District, the combined leave shall not exceed the 12 week period when the leave is taken for the birth or placement of a child or to care for a parent with a serious health condition.

But this limitation does not apply, if leave is taken by either spouse to care for the other spouse, or leave taken to care for a child or the employee's own serious health condition.

DO I GET PAID WHILE ON FMLA?

The School District will pay any accrued sick and/or personal time until your physician states that you are no longer considered disabled/unable to work.

CAN I USE THE SICK BANK WHILE ON FMLA?

If you have enrolled in the Sick Bank, you can request to borrow days from the bank for an FMLA qualifying event.

DO I GET TO KEEP MY BENEFITS WHILE ON FMLA?

Yes, but you must continue to pay your portion of the premiums during the paid portion of FMLA. The district will continue to pay the district's share of your premiums.

WHO PAYS MY PORTION OF MY BENEFITS WHILE I'M ON FMLA?

You do.

IF I ONLY WORK 10 MONTHS A YEAR, HOW DOES THE SUMMER AFFECT MY FMLA LEAVE?

The summer does not count toward your FMLA.

DO I HAVE TO TAKE ALL 12 WEEKS AT THE SAME TIME?

In the case of serious health conditions, leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees are expected to make a reasonable effort to schedule intermittent leave so that it does not disrupt the operation of the school system or assigned location.

DOES MY EMPLOYER HAVE TO GIVE ME MY SAME JOB BACK WHEN I RETURN?

Upon return from FMLA you will resume your original position, or have an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

HOW MANY TIMES CAN I TAKE FMLA?

The maximum amount of time you may take is 12 weeks in a 12 month period. The 12 month period shall be a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

DO I LOSE MY SENIORITY BY TAKING FMLA?

No, the use of FMLA cannot result in the loss of any employment benefit (seniority, experience, etc.) that accrued prior to the start of the employee's leave.

DO I HAVE TO USE MY SICK DAYS BEFORE I GO ON FMLA?

If you have accumulated sick leave available, it must be used when you go on FMLA.

DO HOLIDAYS AND SCHOOL VACATIONS COUNT TOWARD MY 12 WEEKS?

Schools, like other employers, can only count leave time as FMLA leave when the employee would be otherwise working. For example, teachers typically are not required to work during the spring, summer, and winter breaks. Thus, if the employee took FMLA leave before one of these breaks, the period of the break does not count as FMLA leave weeks for that employee.

Example: Teacher takes FMLA commencing December 1. The full week of winter break would not be counted as FMLA.

Since clerical, maintenance, security, and some administrative employees are required to work some or all of the periods of summer, winter, and spring breaks, these weeks would be counted as FMLA leave for those employees. Weeks in which the school is open for a portion of the week, such as Thanksgiving week and President's Day week, would be counted toward FMLA leave for all employees.

WHAT HAPPENS IF I DON'T RETURN AFTER FMLA?

Employees who do not return to work upon expiration of a leave will be treated as having voluntarily terminated their employment. Every effort will be made to determine the employee's status, however, when no contact or notification is made, disciplinary action will be taken.

WHERE CAN I FIND OUT MORE ABOUT FMLA?

Visit the website US Department of Labor The Family and Medical Leave Act (FMLA) or contact Kelly Gersch in the Human Resources Department at 636-586-1000 ext. 3

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