



# Family Medical Leave Act (FMLA) & Leave of Absence (LOA)

## Contents

WHAT IS FAMILY MEDICAL LEAVE? .....	2
REQUESTING FAMILY MEDICAL LEAVE .....	2
MEDICAL CERTIFICATION .....	3
ACTIVE DUTY CERTIFICATION .....	3
CONTINUOUS & INTERMITTENT FMLA .....	3
COMPENSATION DURING FMLA .....	3
BENEFITS COVERAGE .....	3
RETURNING FROM LEAVE .....	4
ADDITIONAL TIME OFF AFTER FMLA EXPIRATION .....	4
LEAVE OF ABSENCE TYPES .....	4
MEDICAL LEAVE OF ABSENCE .....	4
PERSONAL LEAVE OF ABSENCE .....	5
BENEFITS WHILE ON A LEAVE OF ABSENCE .....	5

## **WHAT IS FAMILY MEDICAL LEAVE?**

In accordance with the Family and Medical Leave Act of 1993 (FMLA), family medical leave will be granted up to a maximum of twelve (12) weeks per calendar year to eligible employees for the reasons stated below:

1. The birth of a child and to bond with the newborn child;
2. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child; entitlement to leave for the birth/placement of a child, for adoption or foster care will expire one year from the date of birth or placement.

**NOTE:** If both spouses work for ECSD, their combined leave entitlement for the above reasons are 12 weeks.

3. A serious health condition that makes the employee unable to perform the functions of his or her job;
4. To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.
6. Service member Family Leave. An eligible employee may also take up to 26 workweeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (military caregiver leave).

## **REQUESTING FAMILY MEDICAL LEAVE**

To take FMLA protected leave, you must provide Human Resources with appropriate notice. If you know in advance that you will need FMLA protected leave (for example, if you have pre-planned surgery or pregnancy), you must give your employer at least 30 days advance notice by contacting the Leave of Absence Coordinator in Human Resources. You will fill out a request for leave which will indicate the reason, the expected duration and the estimated starting and ending dates of the leave.

If you learn of your need for leave less than 30 days in advance, you are requested to notify the Human Resource Leave of Absence Coordinator as soon as you can (generally either the day you learn of the need or the next work day). Initial notification in this case may be verbal or via email. A family member, health care provider, or any person designated by the employee may notify the supervisor or Human Resources if the employee is unable to do so.

## **MEDICAL CERTIFICATION**

Most FMLA protected leave will require the completion of a Medical Certification Statement. This certification is completed by the health care provider treating the injured or ill individual. The return of this documentation within fifteen days is required in order to determine eligibility and provide FMLA protection to the leave. Failure to return completed required documentation in a timely manner may endanger the FMLA protections. The employee is responsible for any costs incurred to complete the certification from a health care provider and ensuring the certification is received by Human Resources.

## **ACTIVE DUTY CERTIFICATION**

Certification establishing an entitlement to qualifying exigency leave is required to be provided in a timely manner. Failure to provide timely certification may endanger the protections of FMLA.

## **CONTINUOUS & INTERMITTENT FMLA**

FMLA may be taken on a continuous basis or on an intermittent basis as required by the Health Care Provider. Continuous leave occurs when the employee is required to be off from work for a continuous block of time, without a break in leave. Intermittent leave occurs when the employee takes leave intermittently, or reduces their normal weekly or daily work schedule. If you need multiple periods of leave for planned medical treatment such as physical therapy appointments, employees will need to schedule intermittent time away at a time that minimizes the disruption to your employer. It is ideal to work with your direct supervisor to determine scheduling needs in this manner.

## **COMPENSATION DURING FMLA**

FMLA leave is a federal protection that protects your time away and your medical benefits. This protected leave does not have a provision regarding compensation. What this means is that FMLA is not paid leave, it is just one aspect of the leave process. If you have accrued, unused sick or annual time, you may elect to use your available paid leave to receive compensation while away from work. The use of paid leave does not increase, in whole or in part, the amount of FMLA leave available to an employee. Both FMLA and paid leaves will run concurrently.

## **BENEFITS COVERAGE**

If you are eligible for FMLA protected leave, your health insurance benefits are protected and remain in place as though you were not on leave. You are required to continue to make any normal employee contributions during this period, whether or not you are receiving compensation during this time to continue your benefits coverage.

Employee-paid optional benefit premiums may be continued, without a break in coverage, when self-paid by the employee. The employee's co-payments for premiums will continue to be deducted from their paycheck as long as the employee is receiving compensation.

Employees taking FMLA will receive a benefits summary with information regarding which benefits are optional. Should you have questions during the FMLA process as to the effects on benefits you are welcome to reach out to the District Benefits department at any time during operating hours.

## **RETURNING FROM LEAVE**

Employees returning from a Family Medical Leave as a result of a medical condition of their own will be required to submit a certification from the employee's health care provider stating the employee's ability to return to work and perform the essential functions of his or her job with or without an accommodation. The certification will need to be submitted to Human Resources to obtain a release to work prior to returning to the worksite.

It is the employee's responsibility to communicate with his or her principal/supervisor regarding the expected date they will be returning to work. 24-hours in advance or greater is an ideal time frame to inform a supervisor of a return to work so that substitutes, if applicable, can be notified.

## **ADDITIONAL TIME OFF AFTER FMLA EXPIRATION**

If an employee has exhausted all available FMLA (12 weeks/60 days in a fiscal year), the employee may be eligible to request a leave of absence. An employee may be placed on a leave of absence for a maximum of two years.

While on a leave of absence, your seniority remains based on your permanent hire date. During the first year of a leave of absence, you are guaranteed the same position in which you left\*. During the second year of a leave of absence you are guaranteed a position in the District, but it may not be at the same location or position you left.

\*If you are an instructional employee on annual contract or probationary contract, taking a leave of absence does not protect or guarantee that your contract will be renewed for the next school year.

## **LEAVE OF ABSENCE TYPES**

1. Medical Leave of Absence
2. Personal Leave of Absence

## **MEDICAL LEAVE OF ABSENCE**

A Medical Leave of Absence is to take time off of work due to the employee's serious health condition. Employees may utilize this type of leave after exhausting FMLA or

when FMLA protection is not approved under the provision of the law. To start the process, you will need to contact the Human Resources Leave Coordinator and complete a request form. The request must indicate the reason for the leave, the duration, and the anticipated starting and ending dates of the leave.

A “Medical Certification Statement” completed by the applicable health care provider will be required to be granted a medical leave of absence. The employee is responsible for the cost of getting the completed certification from a health care provider and for ensuring the certification is received by Human Resources.

## **PERSONAL LEAVE OF ABSENCE**

A Personal Leave of Absence is to take time off for personal reasons other than an employee’s serious health condition, such as taking care of a family member. To start the process, you will need to contact the Human Resources Leave Coordinator and complete a request form. The request must indicate the reason for the leave, the duration, and the anticipated starting and ending dates of the leave.

Approval from the Principal or Director of your department will be required in order to take a Personal Leave of Absence. The Human Resource Leave Coordinator will communicate the request for a personal leave of absence to the Principal or Director on your behalf and respond to you regarding the response.

## **BENEFITS WHILE ON A LEAVE OF ABSENCE**

You are still eligible to receive the same group life, medical, and dental coverage. However, you will be responsible for entire cost of the coverage premiums. For more information on the cost of insurance, how to pay for benefits while on a leave of absence, and the how to continue supplemental insurance, please contact a member of the Benefits department.