

Leave Process

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FMLA and District Leave

Reasons to Apply for Leave

Employee needs to take leave

- for birth or adoption of a child.
- to care for an eligible family member with a serious health condition*.
- or their own serious health condition*.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.
- Military Leave

*Serious Health Condition Definition

“Section 101(11) of FMLA defines serious health condition as "an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.””

- <https://www.dol.gov/agencies/whd/opinion-letters/fmla/fmla-87>

Definitions of a Serious Health Condition <i>(See 29 C.F.R. §§ 825.113-.115)</i>
Inpatient Care
<ul style="list-style-type: none">• An overnight stay in a hospital, hospice, or residential medical care facility.• Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
Continuing Treatment by a Health Care Provider (any one or more of the following)
Incapacity Plus Treatment: A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either: <ul style="list-style-type: none">○ Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,○ At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.
Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.
Chronic Conditions: Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
Permanent or Long-term Conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
Conditions Requiring Multiple Treatments: Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

What is FMLA?

- **FMLA** provides qualifying employees with up to 12 weeks (60 days) of job and benefits-protected leave in a rolling 12-month period. **FMLA** leave is unpaid unless you have paid time off (temporary leave/comp or vacation time) available to use during your leave. Paid leave will be exhausted before going into an unpaid status. **FMLA** may be taken on a continuous and/or intermittent basis.
- Eligible employees can take up to 12 workweeks of **FMLA** leave in a 12-month period for:
 - The birth, adoption or foster placement of a child with you,
 - Your serious mental or physical health condition that makes you unable to work,
 - To care for your spouse, child or parent with a serious mental or physical health condition
 - Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of **FMLA** leave in a single 12-month period to care for the servicemember.

How do I qualify for FMLA?

- To qualify for **Family and Medical Leave (FMLA)**, an employee must be **employed with the district for at least 12 months and have worked at least 1,250 hours in the previous 12-month period prior to the date the FMLA leave will begin.**

What is District Leave?

- District Leave provides qualifying employees with up to 12 weeks (60 days) of district-approved leave in a rolling 12-month period; this does not provide job protection.
- **District leave** is defined as six (6) or more continuous days of leave due to:
 - Personal health, illness, or injury;
 - Eligible family member health, illness, or injury; eligible family members include: spouse, son, daughter, mother, father, brother, sister or those same members of the spouse's family; or
 - Birth or adoption of a child.

How do I qualify for District Leave?

- **District Leave** is applicable to employees who have worked for the district for **at least 4 months** and who **do not qualify for the Family and Medical Leave Act (FMLA)**.
- **District leave** is a continuous leave and cannot be taken on an intermittent, day-to-day basis. The maximum **District leave** period is 12 work weeks (60 days) in a rolling 12-month calendar period.

How do I apply for **FMLA** or request **District Leave**?

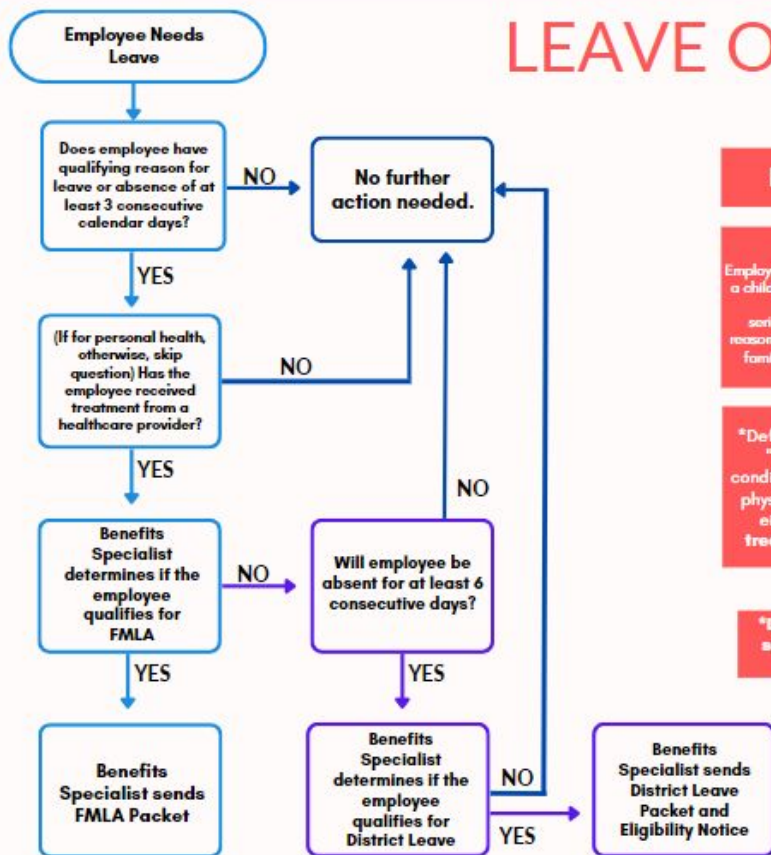
- Notify the Benefits Office in Human Resources of the need for leave. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and continue with the normal call-in procedure.
- The Benefits department will send you an FMLA packet or a District Leave packet which contains all of the necessary paperwork and documentation required to process your leave request.
- Employees must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Leaves of Absence Contact:
Audrey Wilson
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How are Benefits affected?

- While on paid **FMLA** or **District leave**, benefits will continue without interruption. District insurance premiums withheld in the current month pay for the current month's coverage.
- While on unpaid leave, the employee will need to work with the Payroll Department to make timely payment of insurance premiums (benefits cost).
- Essentially, when in an unpaid status, any benefits the employee already pays for from their paycheck, if applicable, will need to be worked out with payroll, such as dental, voluntary life, or vision plans.

LEAVE OF ABSENCE



FLOWCHART

Reasons for FMLA or District Leave:
Employee needs to take leave for birth or adoption of a child, to care for an eligible family member with a serious health condition*, their own serious health condition*, or certain qualifying reasons related to foreign deployment of an eligible family member who is a military servicemember.

*Definition of a Serious Health Condition:
"The FMLA defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves either **inpatient care** or **continuing treatment by a health care provider.**"

*Definition of a serious health condition:



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Simplified Leave Process

1. Benefits office notified of Need for Leave
2. Employee sent appropriate information/paperwork
3. Supervisor/Sub office/Payroll notified of leave request and tentative date range
4. 15 day deadline (let Benefits Office know if extenuating circumstance exists)
5. Supervisor/Sub office/Payroll notified of updated leave status and estimated return date
6. Return to work documentation (for personal health and maternity leaves)