

Family Medical Leave Act (FMLA)

Objectives

- What is FMLA?
- Who qualifies for FMLA?
- What is an FMLA qualifying event?
- Procedure for Requesting Leave.
- Paid verses Unpaid Leave.
- Benefits while on FMLA.

What is FMLA?

- Protects an employee's job for 12 or 26 weeks
- Provides 12 weeks of leave for employee absences caused by a personal serious medical condition or an immediate family member serious health condition
- Provides 26 weeks of leave for a serious injury or illness of covered service member
- Provides employees with the continuation of health benefits and the right to reinstatement after taking leave

What is a Serious Health Condition ?

- **Serious health condition**- includes any illness, injury, impairment, or physical or mental condition that involves:
 - Inpatient care in a hospital, hospice, or residential medical care facility
 - Any period of incapacity or treatment in connection with that inpatient care
 - Continuing treatment by a health care provider
- Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition

Who is an Immediate Family Member ?

- **Spouse**- husband or wife defined or recognized under the law of the state in which the employee resides; same sex partners in the state of TN are not currently covered by FMLA



- **Parent**- the biological parent of an employee or the person who acted as a parent to the employee when he or she was a child

Immediate Family Member

- **Son or daughter**- biological, adopted, or foster child, stepchild, legal ward, or child of a person acting as a parent who is:
 - Under 18 years of age
 - 18 years of age or older and incapable of self-care because of a mental or physical disability



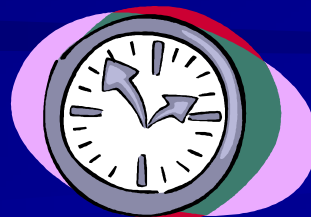
Who is Eligible?

- Full-time and part-time employees who meet both of these requirements:

- Employed by the County for one year (12 months)



- During the previous year the employee must have worked 1,250 hours



Qualifying Events Covered by FMLA

■ 12 Weeks

- Birth, Adoption, or Foster care of child
- Serious Health Condition
- Serious Health Condition Immediate Family
- Member Qualifying Exigency for Military Leave

■ 26 Weeks

- Serious Injury or Illness of Covered Service Member

Examples of Acceptable FMLA Leave:

- Employee wants two months leave to care for newborn child
- Employee wants to take two weeks leave to bond with newly adopted child
- Employee needs to come in late twice a week to accompany their father to chemotherapy
- Employee requires ten weeks of recuperation after suffering a stroke

Procedure for Requesting Leave

- Provide verbal notice with explanation to direct supervisor
 - The employee should give 30 days advanced notice or as much notice as possible
 - When leave is planned and can be scheduled in advance, the employee must try to schedule the treatment to avoid excessively disrupting the department's operations

- Complete an FMLA Application
 - The application can be picked up from the HR office or may be downloaded from the intranet site at:
<http://portal:11853/sites/RC/HR/HR%20Forms/Forms/AllItems.aspx>

- Submit completed application to the Human Resources Office for approval.

Procedure for Requesting Leave

- Obtain the appropriate medical certification to give to the caring physician to complete and submit to the Human Resources office. This form may also be downloaded from the intranet site at:
<http://portal:11853/sites/RC/HR/HR%20Forms/Forms/AllItems.aspx>

- A complete medical certification will include the following:
 - Verification a serious health condition exists
 - Date when condition began
 - Expected duration of condition
 - Brief statement about treatment
 - Whether or not the employee is able to perform the essential functions of the job

Paid versus Unpaid Leave

- FMLA leave does not have to be paid
- If the employee has accrued paid time off, they can take the paid leave off first then take the remaining time unpaid
- If taking leave for a serious health condition to you or a family member, all paid sick leave must be used prior to being eligible to use annual leave or unpaid leave
- If you are out of work due to an FMLA qualifying event you should apply for FMLA coverage even if you have accrued sick or annual time available to use.



Benefits During Leave

- The County will continue to pay health benefits during leave in the same manner as before the leave was taken
- If on paid leave, the County will deduct the employees portion of the health care premium from his or her check
- If on unpaid leave, these payments need to be made to the Insurance Office by the 10th day of each month
 - Failure to pay premiums will result in termination of benefits

Important Things to Note

- Time is calculated on a rolling 12-month period.
 - May be continuous or intermittent
- Maternity/Paternity Leave runs concurrent with FMLA
 - The first 12 weeks of leave for the birth, adoption, or foster care of a child is counted towards FMLA
 - The last 4 weeks of leave is counted as Maternity/Paternity Leave
- If you have questions or need assistance with FMLA please contact Alanna Sullivan in the Human Resources Office at 494-4480.

Quiz

- <https://secure.rutherfordcountyttn.gov/fmla/>