

## **FMLA FREQUENTLY ASKED QUESTIONS**

### **1. 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.

### **2. WHO IS ELIGIBLE TO TAKE FMLA?**

To be eligible, an employee must have worked for the Hernando County Schools at least 12 months and at least 1,250 hours within a 12-month period before the leave begins.

### **3. HOW DO I TAKE FMLA LEAVE?**

Go to the bookkeeper/timekeeper at your site and ask for a "Request for Extended Leave" form and also a "Certification of Physician or Practitioner" form. After the forms are completed, the bookkeeper will then send the forms to the Human Resources Department. You must provide 30 days advance notice when the leave is "foreseeable".

### **4. DO I NEED A DOCTOR'S NOTE WHILE ON FMLA?**

You are required to produce medical certification to support a request for leave due to a serious health condition. This must be received by the Human Resources Department within 15 days of the start of such leave.

### **5. WHAT IS THE DIFFERENCE BETWEEN SICK LEAVE, PERSONAL LEAVE, EXTENDED LEAVE, WORKERS COMP AND LEAVE WITHOUT PAY?**

Sick Leave: Time that you have earned to be used for illness

Personal Leave: Time that you request for personal reasons. Personal leave reduces your sick leave balance.

Extended Leave: Any leave in excess of 10 consecutive days

Worker's Compensation: Time off due to injury in the line of duty

Leave Without Pay: Approved, unpaid time off

Absent Without Authority: Unapproved, unpaid time off

**6. DO I HAVE TO REQUEST FMLA?**

You should always ask if you are eligible.

**7. ARE FAMILY MEMBERS COVERED BY FMLA?**

Please refer to answer number 1.

**8. HOW MUCH TIME CAN I TAKE OFF?**

You may take a maximum of 12 weeks. If a husband and wife both work for the Hernando County Schools, 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. (See Bd. Policy 6.542)

**9. DO I GET PAID WHILE ON FMLA?**

The School Board will pay any accrued sick and/or vacation time until your time is used up. When the accrued time is gone, the duration of FMLA will be non-paid.

**10. DO I GET TO KEEP MY BENEFITS WHILE ON FMLA?**

Yes, but you must continue to pay your portion of the premiums. The School Board will continue to pay the Board's share of your premiums.

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

You do.

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

The summer is not part of your contract so it does not count toward your FMLA.

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

Employees may not take intermittent or reduced leave in the case of the birth or placement of a child, unless the Superintendent or designee agrees. 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.

**14. 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.

**15. HOW MANY TIMES CAN I TAKE FMLA?**

The maximum amount of time you may take is 12 weeks in a 12 month period.

**16. 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.

**17. 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. The exceptions to this are in the case of maternity or the adoption of a child.

**18. DO HOLIDAYS AND SCHOOL VACATIONS COUNT TOWARD MY 12 WEEKS?**

No.

**19. I'VE HEARD OF A "PAYOFF". WHAT IS THAT?**

At the start of your unpaid leave the Payroll Department will determine how much money is owed to you at that time. That amount will be direct-deposited into your account. If you prefer to have your benefit premiums (that will be owed during your leave) paid out of this amount prior to the deposit you must notify Awilda Fonte in the Benefits Department in writing two weeks before the start of your leave. If you do not notify Benefits or if you will not have enough money in your deposited amount then you are responsible for all payments. Failure to pay your share of the health coverage will result in the loss of coverage. \* *Teachers- Please note that you may or may not get the 5 checks that you are accustomed to receiving at the start of the summer in which the insurance premiums are paid. Your leave start date will determine your payment schedule.*

**20. 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.

**21. WHAT HAPPENS IF I EXTEND MY LEAVE ONCE FMLA STOPS?**

You may request an extended leave for Personal Illness for the first year after a FMLA. A second year leave is only approved due to extenuating circumstances and can be denied by administration. At the time of a non FMLA extended leave you will be given the opportunity to continue health benefits by paying the entire premium due. You cannot work at a job for pay while on extended leave from the District.

**22. DO I HAVE TO GO ON EXTENDED LEAVE IF I HAVE SICK LEAVE?**

The paperwork needs to be done so our Schools will be properly staffed to accommodate our students and ensure their proper well being.

**23. WHERE CAN I FIND OUT MORE ABOUT FMLA?**

Visit the website [www.dol.gov/elaws/esa/fmla](http://www.dol.gov/elaws/esa/fmla) or contact the Benefits Department at (352) 797-7007.