

FAQ on Medical Leave

What is FMLA (Family Medical Leave Act)? FMLA is job and benefit protection for an approved medical leave of absence for up to 60 working days (12 weeks).

When do I file for FMLA? Any employee absent from work for three or more consecutive sick days will be sent FMLA information, and the Benefits office will begin the FMLA process.

How do I qualify for FMLA? An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months
- Have at least 1,250 hours of service in the 12 months before taking leave and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite

Is FMLA paid? No. FMLA is an unpaid leave benefit that, if an employee qualifies, it protects their job and benefits. During FML, FCPS employees are required to use their accrual time.

Is FMLA separate from parental leave? Yes. Parental Leave and FML are two different types of leaves. If an employee qualifies for FML leave, they have up to a year to use the allotted 12 weeks (60 working days).

What is the difference between FMLA and Parental Leave? FML allows for unpaid leave up to 12 weeks (60 working days). Parental Leave allows for up to 35 days of paid leave. If you deliver via cesarean, you are allotted up to 40 days of leave, with 35 of the days paid. This leave is limited to per calendar year.

I'm pregnant but do not qualify for FMLA, what are my options? If you do not qualify for FML, you will be granted Parental Leave, which allows for up to 40 working days of leave based on delivery, with up to 35 of the days paid. Per calendar year.

What if both parents work for FCPS and want to take FMLA? If two FCPS employees want to take leave and both qualify for FML, they will share the total 12 weeks (60 working days). The leave can be divided as preferred, but the leave time between the two will not exceed 12 weeks (60 working days).

What if both parents work for FCPS and want to take parental leave? Each parent is allotted up to 35 paid days immediately following birth, adoption, or placement. Both parents must take the paid leave concurrently.

What is a parental leave conference and when do I need to schedule one? The Benefits office meets with all expecting parents to review time off, FMLA, benefits, and other important

information the employee needs to be aware of in preparation of taking leave. Please contact the Benefits office two months before the baby's due date to set up a meeting that will take place four to six weeks before the baby's due date.

Do I have to start paid parental leave as soon as the baby is born? Yes. Paid parental leave must be taken immediately following the birth, adoption, or placement of a child. If approved for FML, 12 weeks (60 working days), it will run concurrently with paid parental leave. If not approved for FML, up to eight weeks (40 working days). If two FCPS employees want to take leave and both qualify for FML, they will share the total 12 weeks (60 working days). The 12 week leave can be divided as preferred, but the leave time between the two will not exceed 12 weeks (60 working days).

What if I have a birth, adoption, or placement outside of my work calendar? (e.g. summer babies) The 35 days of paid parental leave will only be applied during your work calendar. For example: You deliver a baby on July 8 and your work calendar begins on Aug. 5. You will be able to claim 15 paid parental leave days due to 20 days lapsing prior to the start of your work calendar.

Can I file for disability even if I am getting paid while out on medical or parental leave? Yes-if you have a disability policy, even if you have enough leave time to cover your entire or partial absence, you can file disability and receive a disability check in addition to your regular paycheck.

What happens when I run out of sick leave? (with or without FMLA) After 15 consecutive workdays without pay, you are made 'inactive' in our Payroll office. With FMLA, your benefits stay active up to 60 work calendar days, of which the employee is responsible for send in payment for any deductions not taken from missed paychecks. Without FMLA, your benefits end on the 15th of the month if your leave of absence date is between the 1st and 15th of the month, or they end on the last day of the month if your leave of absence date is the 16th and the last day of the month.

Why didn't I qualify for FMLA? You will receive an FMLA Notice of Eligibility and Rights and Responsibilities explaining why you did not qualify. You may then apply for an extended leave of absence. Extended leave of absence does not protect your job or benefits.

What happens if I can't return to work and my 60 days of FMLA expires? Your benefits may terminate, and you will need to complete and gain approval for an extended medical leave.

What is extended medical leave? This is unpaid disability leave that is granted after submitting the designated form to Benefits Services along with medical documentation. Extended leave does not secure your position or benefits. Extended medical leave cannot be taken intermittently.

When should I submit a request for extended medical leave? Extended medical leave should be requested if you have exhausted the allotted 60 days of FML or if you do not qualify for FML. Extended leave is approved at the discretion of your principal/supervisor and your school chief/department director.

What needs to be included with the extended medical leave request? We need documentation from your medical provider showing the dates needed for leave.

What are accommodations? Accommodations are a medical provider's suggested limitations for an employee to return to work.

How are accommodations reviewed and approved? Your worksite will determine if they are able to accommodate the medical restrictions that prevent you from fully performing all required job duties. Per FCPS guidelines, the restrictions should be reasonable and temporary. Remote working is not a permitted accommodation. The location's response will be reviewed by the associate director of Benefits. At that time, the final determination will be documented.

Can I receive donated days? Donated days are approved on a case-by-case basis and are only approved if the employee receiving the donated days has approved medical documentation on file with the benefits office that includes the employee's absence from work for at least 10 consecutive workdays for approved reasons outlined in the donated days policy. An employee must exhaust all their leave time to receive donate days.

How can I solicit donated days? Donated Days can be solicited by submitting an online request at [Sick Leave Donation](#). The request will not be approved until medical documentation is received.

What happens to my unused donations once I return to work following leave? Any unused sick leave donations will be returned to the original donors once you return back to work.

What does it mean if a sick leave donation request or submission is denied? Sick leave donation submissions can be denied if the donor will have less than 15 sick days remaining after their donation is subtracted from their leave balance. A sick leave donation request can also be denied if the requesting employee has no medical documentation of file with the Benefits office. Donations cannot be applied for intermittently.

How does leave effect my tenure, step increase, and service with retirement system? Please refer to administrative procedures 03.121 AP1 (certified) and 03.221 AP. 1 (classified) for detailed information.

How do I get a sub for my absence, and how does my time get recorded? Talk to your school bookkeeper regarding sub paperwork. If you need assistance finding a long-term sub, please contact sub placement in HR for assistance. Employee must also meet with the bookkeeper to complete leave request forms or days without pay cards prior to absence.

How do I file a disability claim? Employees who have a disability policy through American Fidelity can complete the disability information on the American Fidelity app or can contact the Benefits office for a paper form.

I have been hurt on the job, who do I call? Carole Humkey can assist (859) 422-0202.

How do I file for unemployment insurance? Risk Management can assist (859) 422-0291.

How do I request “Days Without Pay” or “Opening/Closing Day Personal Leave Request”? Contact the Benefits department for the appropriate form, (859) 422-0506.

Frequently Used Forms

State Forms: [Department for Employee Insurance’s website](#)

Voluntary Benefit Forms: [American Fidelity website](#)

Leave Forms: FMLA, Accommodations, and Fitness for Duty leave forms are available from the Benefits office.