

FAMILY MEDICAL LEAVE ACT (FMLA)

General Information

- The Family Medical Leave Act (FMLA) is a federal law that entitles eligible employees who work for a covered employer to take unpaid, job-protected leave for specified family and medical reasons.
- If an employee is provided group health insurance, the employee is entitled to the continuation of the *group health insurance* coverage during FMLA on the same terms as if he or she had continued to work.
- If an employee has available paid leave, he or she may request the paid leave, including any local leave, state leave and/or other leave that the employee may be entitled to receive in their position.
- Eligible employees may take up to 12 workweeks of leave during a 12-month period [July 1 – June 30] for certain family and medical reasons.
- Eligible employees may take up to 26 workweeks of leave during a single 12-month period for military caregiver leave. [Leave start, plus 12 months]
- More information related to the FMLA can be found on the DOL website (www.dol.gov).

Who is Eligible for FLMA?

- An employee who has worked for the district for at least 12 months as of the date the FMLA leave is to start, and
- Has at least 1,250 hours of service (actual work hours, not including leave taken) with the

employer during the 12-month period immediately before the date the FMLA leave is to start.

Qualifying Reasons for Leave

- Birth of a child and to bond with the newborn child within one year of birth.
- The placement (with an employee) of a child for adoption or foster and to bond with the newly-placed child within one year of placement.
- A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care.
- To care for the employee's spouse, son, daughter or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care.
- 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 or call to covered active duty status.

Serious Health Condition Defined

- Inpatient care or continuing treatment by a health care provider.
- Continuing treatment by a health care provider may include: incapacity plus treatment, pregnancy, chronic condition(s), permanent or long-term condition(s), and condition(s) requiring multiple treatments.

Employee Responsibilities

- Employees must provide notice of their need for FMLA. [FMLA Request Form is posted on the MISD Webpage.]
- If the leave is foreseeable, the employee must give at least **30** days advanced notice.
- Submit a certification (Forms are posted on the MISD Webpage) from the appropriate physician or entity.
- Submit a Fitness-For-Duty certification prior to return to work, *if requested*. [Note. The employee may not report to work until the certification is proved by the Payroll & Benefits Dept.]

Employer Responsibilities

- In addition to displaying a poster, it must also provide each employee with a general notice about the FMLA in the employee handbook or other written materials about the leave and rights.
- After receipt of a request for FMLA from an employee, notify the employee in writing if the leave will or will not be FMLA-protected leave.
- Provide employees with written Rights and Responsibilities, FMLA Eligibility and FMLA Designation notices.
- When an employee returns from FMLA leave, he or she must be restored to the same job that the employee had when the leave began or to an equivalent job. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits and other terms.

Questions?

For more information, please contact the Payroll and Benefits Department.

The information presented in this brochure is intended to serve as a general reference guide. Federal law, state law and Board Policy shall remain the authoritative sources.



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