



Family and Medical Leave Act (FMLA)

Please Read Carefully

The Family and Medical Leave Act of 1993 requires Henry County Schools to provide employees who have been employed for 12 months or have worked at least 1250 hours during the 12 months preceding the commencement of the leave requested and are classified in their position/job title as a full-time employee with sixty (60) days of unpaid, job-protected leave during a 12-month period for certain family and medical reasons.

I. TYPES OF FMLA

- A. Block FMLA – Consecutive days of leave.
- B. Intermittent FMLA – Leave taken on a sporadic basis (partial days, one day at a time, etc.).

II. QUALIFYING REASONS FOR FMLA

- A. For the employee's own qualifying serious health condition* that makes the employee unable to perform the functions of the employee's job, including incapacity due to pregnancy and for prenatal medical care.
- B. To care for the employee's qualified family member** with a serious health condition including incapacity due to pregnancy and for prenatal medical care.
Note: FMLA approval ends when the family member's condition no longer requires the employee to provide care. It is the employee's responsibility to notify the FMLA Office and the employee's supervisor when such change occurs.
- C. The birth of a child or placement of a child for adoption or foster care to the employee: child (Please click [here](#) for Paid Parental Leave information.)
 - 1. The first year care of an employee's child and/or within one year of placement of child with employee.
 - 2. To bond with a child (Block FMLA leave must be taken within one year of the child's birth or placement).
- D. Any period of incapacity or treatment for a chronic serious health condition* of an employee (or qualified family member that requires the employee's care) which

continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (Intermittent FMLA).

E. Military Family Leave Entitlements – Eligible employees whose spouse, son, daughter or parent is a member of the Armed Forces (including the National Guard and Reserves) and on covered active duty or called to covered active duty status may use their 12-week (60 days) leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. (Contact the FMLA Office for more details.)

III. SERIOUS HEALTH CONDITION *

A Chronic Serious Health Condition is defined as one that (1) requires visits at least twice a year for treatment by a health care provider or nurse under the supervision of a health care provider, (2) recurs over an extended period of time, (3) may cause episodic rather than continuing periods of incapacity or (4) an illness, injury, impairment, or physical or mental condition. The following are examples of a serious health condition:

- Any period of incapacity or treatment connected with inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility; or
- A period of incapacity lasting more than three consecutive, full calendar days, and requiring ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication); or
- Any period of incapacity related to a pregnancy or prenatal care; or
- Any period of incapacity that 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 (Alzheimer's Syndrome, stroke, terminal diseases); or
- Any period of incapacity or treatment for a chronic serious health condition; or
- Any absences to receive multiple treatments for, by, or on referral from a health care provider for a condition that would likely result in incapacity for three or more days if left untreated (chemotherapy, physical therapy, dialysis).

FMLA does not apply to routine medical examinations, such as a physical, or common medical conditions, such as an upset stomach, strep, etc. unless complications develop.

NOTE: If your leave is due to something other than the previously listed condition/reasons, your request must also be processed through our Human Resource Services-FMLA Office.

IV. QUALIFYING FAMILY MEMBER:**

The term “qualifying family member” means:

- A. Employee's spouse.
- B. Child, under the age of 18, (biological, adopted, stepchild, foster child, a legal ward, or a child of a person standing in loco parentis) of the

employee.

C. Child, over age of 18. The adult son or daughter must: ***

- a. Have a disability as defined by the Americans with Disabilities Act (ADA) at the time the leave is to commence,
- b. Be incapable of self-care due to the disability.
- c. Have a serious health condition and
- d. Be in need of care due to the serious health condition.

***It is only when all these requirements are met that an eligible employee is entitled to FMLA-protected leave to care for his or her adult son or daughter.

NOTE: If child is age 18 years or older, the form "Adult Child Disability Medical Inquiry for FMLA" must be completed by the child's health care provider and included in the medical certification submitted to the FMLA Office.

D. Parent (biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child). This term does not include parents "in law."

For qualifying family members for military caregiver purposes leave under FMLA, see Board Policy [GBRIG](#) for more information.

NOTE: In-laws, grandparents, siblings and other extended family members are NOT covered by FMLA.

V. WHEN TO REQUEST FMLA

If you meet one of the before mentioned qualifications, you may apply for FMLA if your leave lasts 3 or more days. If you expect to be out of work for 10 days or longer or incur 10 days of leave (cumulative and/or consecutive), you MUST apply for FMLA per the HCS Employee Guide. A 30-day notice of pending leave is required when the leave is foreseeable. In any event, written notice in the form of a FMLA request should be submitted by you as soon as possible.

- Failure to submit a completed FMLA application (including supporting documentation such as medical certification) within 15 days of absence could result in automatic denial of FMLA and possible employment action.
- Excessive absences (consecutive and/or cumulative) not covered by FMLA can result in an attendance/performance issue and possible employment action.

Information regarding leave and absences not covered under FMLA is available in Board Policy [GARH](#).

VI. AMOUNT OF FMLA LEAVE

FMLA provides that if the employee returns to work prior to or on the first scheduled day following the 60th approved FMLA day, the employee will be reinstated to the same job or an equivalent job with the same pay, benefits, and terms and conditions of employment. Approved FMLA also provides attendance protection. The FMLA attendance, job, and benefit

protection is exhausted with the 60 FMLA day maximum.

- A. An employee can apply and be approved for FMLA due to multiple reason however the combination for all reasons cannot exceed 60 FMLA days per FMLA year. (The special FMLA Leave entitlement to care for a covered military service member is an exception.)
- B. If the FMLA leave is for a serious health condition, the dates provided by the health care provider will be used to approve FMLA leave (up to 60 FMLA days per FMLA Year). You cannot request additional time unless ordered by your health care provider. However, for the birth of a child, you may request additional time for the care of your child during his/her first year (bonding time). Recovery plus bonding time cannot exceed 60 FMLA days per FMLA Year.
- C. Time off due to a Workers' Compensation injury will be counted as FMLA time (not to exceed 60 FMLA days per FMLA Year).
- D. If the employee and the employee's spouse work for the school system, each is entitled to 60 days for their own illness or the illness of a child. However, the 60 days must be split between them if the first-year care or bonding time with a newborn child or the newly placed child with the employees (adoption or foster care).
- E. **The employee is required (during FMLA) to use all paid leave, (sick/personal and/or vacation) available to him/her.** At the time paid leave is exhausted, Leave-Without-Pay (LWOP) will be entered. Please keep in mind the cut off dates for payroll. As an example, it is possible that an employee will begin LWOP on February 10th but will not see the effects of it until the March paycheck. For each day that you do not have paid leave, your pay will be reduced by your daily rate of pay.
- F. If the period of leave needs to be extended beyond the original approved period (within the 60 FMLA day maximum), the employee should notify their principal/supervisor as soon as possible and request said extension in writing prior to the last day of approved leave. Employees should direct the request to the Human Resource Services-FMLA Office for approval. A medical update from the treating physician/health-care-provider must be provided if leave is for a serious health condition. Medical documentation must be kept current during leave.

VII. WHILE ON FMLA

While on FMLA/AEL it is the employee's responsibility to:

- follow the normal leave protocol established by their principal/supervisor including notification of absences in writing, submitting leave requests formally, as well as a request through Willsub + if applicable.
- ensure lesson plans are current prior to your first day of leave if the leave is foreseeable and you are responsible for student instruction
- not visit any work premises unless it is by advanced permission of your principal/supervisor at a specific date and time and to conduct business in the main office or in the capacity of a parent whose child(ren) attend that specific school.

VIII. BENEFITS

When you are receiving a paycheck with sufficient funds, benefit deductions continue. When paid leave is exhausted and the funds are not sufficient, you are required to pay your benefit premiums to avoid loss of coverage. An invoice will be sent to you providing instructions, the amount owed, and the payment due date. If you fail to receive an invoice, please contact the Benefits Office (770.957.6601) for guidance. Note: Failure to remit timely premiums will result in immediate loss of coverage. It is the employee's responsibility to ensure timely payments are received.

IX. SECONDARY POSITION with HENRY COUNTY SCHOOLS

Employees on FMLA who have a full-time job with Henry County Schools and work a secondary job with Henry County Schools (such as "After School Enrichment Program") are required to:

- A. Notify their secondary job supervisor of their FMLA status; and,
- B. Notify the FMLA Office of their secondary job with Henry County Schools.

X. EXHAUSTION OF FMLA/ APPROVED EXTENDED LEAVE (AEL)

A. The FMLA provided attendance, job and benefit protection are exhausted with the 60 FMLA day maximum. If you are not able to return to work prior to or on the first scheduled day immediately following the 60th approved FMLA day and the reason is due to your (the employee's) serious health condition, you may qualify for Approved Extended Leave (AEL). With the appropriate medical documentation, AEL will enable you to continue your benefits for up to nine months. Medical documentation must be kept current during leave. Contact the Employment Services (770.957.6601) or email fmla@henry.k12.ga.us for more details. Note: Failure to remit timely premiums will result in immediate loss of coverage and possible termination of leave.

- B. If your leave extends beyond the 60-day FMLA maximum, you do not have return-to-work rights under FMLA. If an absence extends beyond the 60 FMLA day maximum for each FMLA 12-month period, the position may be posted and filled by a permanent employee. Upon release to return to work by your treating physician, you may apply for re-employment through the Human Resource Services Department.
- C. Certified employees who are unable to return to work prior to or on the first scheduled workday following the 60th FMLA day may or may not be recommended for a contract for the next school year.

XI. RETURN TO WORK

- A. If the leave was due to a serious health condition of the employee, written certification from the treating health care provider addressing release to return to work (listing any specific restrictions and/or request for accommodations described in detail) must be submitted to the Human Resource Services-FMLA Office. The employee's return to work is dependent upon receipt of this documentation. This must be submitted at least two workdays prior to first day of return to work.
- B. Any restrictions and/or requests for accommodations must be reviewed to determine by the Restrictions Committee if work is available to reasonably accommodate PRIOR to returning to work from FMLA. If no work is available to reasonably accommodate, approved FMLA will continue (up to 60 FMLA days per FMLA Year) and possibly Approved Extended Leave (AEL) as a means of accommodation.
- C. The employee must always coordinate/confirm return to work (in advance) with their principal/supervisor.

XII. RESTRICTIONS/REQUEST FOR ACCOMMODATIONS

- A. Employees are expected to perform the full duties of their job until medical documentation signed by the health care provider is submitted to the employee's principal/supervisor or FMLA Office. If restrictions, accommodations, or medical apparatus (cane, splint, brace, etc.) are required while performing job duties, the employee must provide medical documentation signed by the health-care-provider listing any restrictions, accommodations or medical apparatus described in detail. If a mobility device (cane, splint, brace, crutch(es), etc. is to be used, a mobility questionnaire will be required for those position in direct supervision of students (teacher, paraprofessional, etc.)
- B. The medical documentation listing the specific

restrictions/request for accommodations described in detail must be submitted to Human Resource Services-FMLA Office via email cecilia.johnson@henry.k12.ga.us or faxed to 770.954.9202 for review by the Restrictions Committee to determine if work is available to reasonably accommodate and a request for medical restrictions should be submitted by the employee (see Restrictions Process instructions).

1. If there is no work available to reasonably accommodate, the employee may be placed on FMLA (not to exceed the 60 FMLA day maximum per FMLA Year) as a means of reasonable accommodation.

2. If the leave extends beyond the 60 FMLA day maximum, Approved Extended Leave (AEL) will be considered if applicable.

XIII. REQUESTING FMLA

It is the employee's responsibility to ensure

- **all** FMLA information is reviewed,
- all FMLA application guidelines are followed, and
- the completed FMLA application form (via the eFMLA website) is submitted to the FMLA Office 30 days prior to the first day of absence unless the leave is unforeseeable.

How to Submit a FMLA Request

Complete the FMLA application via the eFMLA website. To apply for FMLA, click on the following link: <http://request.efmla.com?A1=35807c15792H016>

You may also go to www.henry.k12.ga.us.

Hover over <About Us>

Click <Human Resource Services>

Click <Family and Medical Leave Act>

Review the FMLA information/frequently asked questions complete the FMLA request via the link at the bottom portion of the page.

Upon receipt of the FMLA request, a FMLA Specialist in Human Resources will determine FMLA eligibility and provide the eligible employee with the third required document US DOL Certification of Health Care provider form WH-380-E or WH-380 (ESHC or FMSHC in the eFMLA system). To complete the employee's application for leave under FMLA, this document MUST be completed and signed by the employer's physician, or by the physician/ provider of the employee's spouse, child, or parent if applicable. Once all documentation has been received and viewed, the employee will receive a notification of eligibility and the required medical/applicable form will be sent to the employee via the eFMLA portal.