Fort Worth ISD | Benefits Office
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Leave of Absence FAQs

(Q) What is Family and Medical Leave (FML)?

It is job-protected medical leave that provides eligible employees up to 12 workweeks of leave that may be used for:

- employee's illness
- immediate family member's illness - An immediate family member is a spouse, child, or parent. The term "parent" does not include a parent "in-law". The term "child" does not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities," as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).
- birth
- adoption
- placement of a foster child
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"

The Family and Medical Leave Act (FMLA) also allows eligible employees to take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

The FMLA requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

The 12 workweeks of FMLA leave may only be used once during a 12-month period (i.e., Fort Worth ISD's fiscal year).

If both spouses are employed by the District, FML for birth, adoption, placement of a child, or care for a parent with a serious health condition will be limited to a combined total of 12 workweeks.

(Q) Who can take FMLA leave?

In order to be eligible to take leave under the FMLA, an employee must:

• Have worked 1,250 hours during the 12 months prior to the start of leave (includes only those hours actually worked. Paid and unpaid leave, including FMLA leave, are not included);

• Have worked for the employer for 12 months

(Q) How do I request a leave under FMLA?

When requesting leave under the Family and Medical Leave Act (FMLA), an employee must notify his or her principal or immediate supervisor and follow leave instructions outlined on the following link: https://www.fwisd.org/departments/benefits/leave-of-absence.

(Q) If I will be absent for one week due to medical reasons, do I need to request a leave of absence?

No, a leave of absence request is not required for an absence of less than 10 consecutive workdays. Employees who are absent for more than 3 but fewer than 10 workdays can submit a doctor's note to their payroll secretary. Please see Board Policy DEC (Regulation) – Certification of Illness.

(Q) When do I need to tell my employer if I plan to take FMLA leave?

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.

(Q) Am I required to prove that I have a serious health condition?

Yes, employees seeking to use FMLA leave are required to submit a medical certification issued by a health care provider within 15 calendar days to prove the need for leave for a serious health condition of the employee or the employee's immediate family member.

(Q) What happens if I do not submit a requested medical or fitness-for-duty certification?

- If the employee fails to timely submit a properly requested medical certification, FMLA protection for the leave may be delayed or denied.
- If the employee never provides a medical certification, then the leave is not FMLA leave.
- If an employee fails to submit a properly requested fitness-for-duty certification, the employer may delay job restoration until the employee provides the certification.
- If the employee never provides the certification, he or she may be denied reinstatement.

(Q) What happens if my employer says my medical certification is incomplete?

The employee must submit a complete and sufficient certification within 7 calendar days to cure the deficiency. If an employee fails to provide a complete and sufficient certification, their request for FMLA leave may be denied.

(Q) What happens when my leave of absence request is approved?

You, your supervisor, and your campus or department payroll secretary will receive a letter confirming the type and duration of the approved leave. The employee will also receive an initial notice from the Benefits Office, mailed to their home address on file. This notice will explain how to maintain health insurance during a leave of absence. If the employee does not receive a paycheck, or if their paycheck isn't enough to cover benefit deductions, they will receive a "Statement of Premiums Due" notice via their District and personal email (if on file).

(Q) May I do any work while on leave?

No, you may not perform any job duties at your assigned location or at home while on leave, nor can your supervisor require you to. This might include grading papers, preparing lesson plans, supervising classes or athletic events, attending training or parent/teacher conferences, and other job duties. However, when your leave is foreseeable, your campus may require you to make advance lesson plans or other preparations to be used during your absence.

(Q) Will I be paid when I take FML?

FML is unpaid leave. However, you may continue to receive pay if you have paid leave (accruals) available. The District requires employees to use Temporary Disability Leave and paid leave, including any compensatory time, concurrently with FML. If an employee exhausts all paid leave (i.e., local, state, vacation), the employee then goes into unpaid status (docked pay). Docked pay will be at the employee's daily rate of pay.

(Q) What if I do not qualify for FML?

You may be eligible for Temporary Disability Leave (TDL).

(Q) What is Temporary Disability (TDL), and who is eligible?

Temporary Disability Leave is an unpaid leave available to all full-time District employees for personal illness only. It provides job protection to employees who cannot work for an extended period because of a mental or physical disability (including pregnancy) of a temporary nature. The maximum length of TDL is 180 calendar days. TDL is granted per incident as one continuous block of time and cannot be taken on an intermittent or reduced schedule basis. It runs concurrently with FML and paid leave.

(Q) Am I still eligible for my health insurance benefits while on TDL?

Yes. However, the District does not have to contribute anything towards your premium. While you are out solely on TDL, you are responsible for paying the entire amount of your health insurance cost. If you have additional questions regarding your health insurance benefits, please contact the Benefits Office at 817-814-2240 or benefits@fwisd.org.

(Q) Is an employee required to follow an employer's normal call-in procedures when taking a leave of absence?

Yes, all District employees taking leave must use the automated absence reporting system to report all absences as soon as the need for the absence is known. Absences can be reported online here. For assistance, call 817-814-2270. Absences should be entered as sick leave, family emergency/ill family, or maternity leave, depending on the reason for leave. Campus/department payroll secretaries, or Substitute Services, will need to designate or enter FMLA, Workers' Comp, and Military Leave absences.

(Q) If I have questions about my paycheck while on leave, who do I contact?

All payroll questions should be directed to the Payroll Office here or at (817) 814-2180.

(Q) I have Disability Insurance; how does this affect my leave?

Disability Insurance is a pay supplement benefit, not a leave. Therefore, they are completely separate. To determine if you have the disability benefit and what the procedures are, contact The Hartford at 888-277-4767.

(Q) Does Fort Worth ISD offer maternity/paternity leave, and is it paid?

- The District grants Local Pregnancy/Parenting/Adoption Leave to any District employee, other than a substitute or temporary employee, for a maximum of six (6) consecutive calendar weeks, as measured from the date of childbirth or adoption for a child up to 2 years of age, or from the first official date of medical leave, whichever occurs earlier.

- If both spouses are employed by the District, Local Pregnancy/Parenting/Adoption Leave is limited to a combined total of six weeks. Employees are required to use Local Pregnancy/Parenting/Adoption Leave concurrently with paid leave and FML, as applicable.

- If an employee who has been employed by the District for one year has insufficient available paid leave to cover the entire leave of absence, the District shall grant additional paid leave for this purpose, to a maximum of 20 consecutive leave days, subject to deduction of the daily rate of a substitute for the employee's position for each additional leave day taken, whether or not a substitute is employed.

(Q) Does an employee have to take leave all at once or can it be taken intermittently or to reduce the employee's schedule?

When medically necessary, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule, reducing the employee's usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must work with their employers and make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

NOTE: Per the FMLA's Special Rules for School Employees, instructional employees who need leave for more than 20% of their working days during the leave period could be required to take FMLA leave for a particular duration (i.e., a set amount of consecutive days). Please see Board Policy DECA – Leaves and Absences: Family and Medical Leave.

(Q) What if my medical condition is such that I am not able to return to work when my FML expires?

You may have Temporary Disability Leave (TDL) allotment remaining; otherwise, you may submit a request for leave as an accommodation for review.

(Q) How do I return to work?

- Employees granted leave to care for an immediate family member must send an email to leaves@fwisd.org confirming their return-to-work date.

- Employees who are absent due to a personal medical reason must obtain clearance from Health Services before returning to work. They will need to send a note from their healthcare provider confirming the date they can return to work and the duration of any specific restrictions to emp.health@fwisd.org. If the employee has long-term or permanent restrictions or restrictions that cannot be accommodated, they will be referred back to Leaves and ADA Management.

NOTE: Employees will not be reactivated in the payroll system and may not receive paychecks until the above steps are completed.

(Q) What happens if the District is unable to accommodate my restrictions when returning to work from being out on medical leave?

You will continue to be out until restrictions are lifted, provided that there are remaining leave options, or until restrictions are modified to a reasonable accommodation.

(Q) What is Bereavement Leave?

"Bereavement leave" shall be given to all District employees, other than substitute or temporary employees, in the event of the death of a member of the employee's immediate family. An employee may choose to begin the **two (2)** paid workdays of bereavement leave on the day a death occurs or on any day thereafter, up to and including the calendar day after the funeral. The employee may use up to five workdays per occurrence; however, only two of those workdays will be permitted at no loss of accumulated leave. If an employee has no available paid leave at the time of a death in the employee's immediate family, the District will grant the employee a maximum of three additional days of bereavement leave for which the District will deduct the daily rate of an appropriate substitute, whether or not a substitute is employed. Appropriate documentation must be provided for all bereavement leave. The documentation must establish the relationship between the employee and the deceased and will be kept on file by the **principal/immediate supervisor or designee, with a copy sent to the Payroll Office.**

The term "immediate family" is defined as:

1. Spouse
2. Son or daughter, including a biological, adopted, or foster child, a current son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis
3. Parent, stepparent, current parent-in-law, or other individual who stands in loco parentis to the employee
4. Sibling, stepsibling, and sibling-in-law
5. Grandparent, grandchild, and spouse's grandparent