

OTSEGO LOCAL SCHOOLS

Employee Guide to Family and Medical Leave Act Leave

Employee packet explaining FMLA, qualifying reasons, employee responsibilities, and the request process.

Purpose of this guide

Otsego Local Schools recognizes that employees may need time away from work for serious medical, family, or military-related reasons. The Family and Medical Leave Act, commonly known as FMLA, provides eligible employees with job-protected leave for certain qualifying reasons.

This guide is intended to help employees understand what FMLA is, when it may apply, and the general process for requesting FMLA leave.

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Quick Reference

Topic	Summary
What FMLA provides	Job-protected leave for eligible employees for qualifying family, medical, and military-related reasons.
Typical leave amount	Up to 12 workweeks during the applicable 12-month period. Military caregiver leave may allow up to 26 workweeks in a single 12-month period.
Paid or unpaid?	FMLA is not a separate paid benefit. Employees will be paid so long as they have available sick leave or other applicable paid leave to use. Once paid leave is exhausted, approved FMLA leave is unpaid.
Benefits	Group health benefits are maintained during FMLA under the same terms as if the employee were working. Employees remain responsible for their required employee share of premiums. If the employee is unpaid, arrangements must be made to pay that share.
Return to work	Employees are generally returned to the same or an equivalent position at the end of FMLA leave, subject to applicable law and district requirements.

1. What Is FMLA?

FMLA is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons.

Employees will be paid so long as they have available sick time or other applicable paid leave to use. Once available paid leave is exhausted, approved FMLA leave is unpaid.

In general, FMLA provides eligible employees with:

- Up to 12 workweeks of job-protected leave during the applicable 12-month period for qualifying family and medical reasons.
- Continuation of group health benefits during FMLA leave under the same terms as if the employee had continued working.
- Return to the same or an equivalent position at the end of FMLA leave, subject to current district needs.

2. Who Is Eligible for FMLA?

An employee is generally eligible for FMLA if the employee:

1. Has worked for Otsego Local Schools for at least 12 months;
2. Has worked at least 1,250 hours during the 12 months immediately before the start of FMLA leave; and

Employment service does not always need to be consecutive. Eligibility will be reviewed based on the employee's work history and applicable FMLA regulations.

3. What Reasons Qualify for FMLA?

Birth or care of a newborn child An eligible employee may request FMLA leave for the birth of a child and to care for the newborn child.	Adoption or foster care placement An eligible employee may request FMLA leave for the placement of a child for adoption or foster care and to care for the newly placed child.
Employee's own serious health condition An eligible employee may request FMLA leave when a serious health condition makes the employee unable to perform the essential functions of the job.	Care for a family member An eligible employee may request FMLA leave to care for a spouse, child, or parent with a serious health condition.
Military qualifying exigency leave An eligible employee may request FMLA leave for certain reasons related to a spouse, child, or parent being on covered active duty or called to covered active duty.	Military caregiver leave An eligible employee may request up to 26 workweeks of leave in a single 12-month period to care for a covered service member or certain veterans with a serious injury or illness.

4. What Is a Serious Health Condition?

A serious health condition generally means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Not every illness qualifies for FMLA. Routine short-term illnesses may not qualify unless complications or continuing treatment meet the legal definition. The district may request medical certification when FMLA is requested for an employee's own serious health condition or to care for a qualifying family member with a serious health condition.

5. Is FMLA Paid or Unpaid?

FMLA itself is job-protected leave, not a separate paid benefit.

If an employee has available paid leave, such as sick leave, that paid leave will run at the same time as FMLA leave. When paid leave is exhausted, approved FMLA leave may continue as unpaid leave until the employee's available FMLA entitlement is exhausted.

Example: If an employee is approved for FMLA and has 10 sick days available, those sick days will be paid while also counting as FMLA leave. Once sick leave is exhausted, the remaining FMLA time would be unpaid.

6. How Much FMLA Leave Is Available?

Eligible employees may generally take up to 12 workweeks of FMLA leave during the applicable 12-month period. For military caregiver leave, eligible employees may take up to 26 workweeks during a single 12-month period.

7. How Is FMLA Counted?

FMLA is counted based on the amount of leave actually taken from scheduled work time.

If an employee is not scheduled to work, that time does not count against the employee's FMLA entitlement. For school employees, breaks such as summer break or other periods when the employee is not required to report to work do not count as FMLA leave.

Situation	General treatment
Employee normally works five days per week and misses one scheduled day for an FMLA-qualifying reason.	Employee generally uses one-fifth of a workweek.
9-month employee is not scheduled to work during summer break.	The summer break does not reduce the employee's FMLA entitlement.
School is only in session one day during a week and the employee was scheduled only that day.	Only that scheduled workday would generally count if missed for an FMLA-qualifying reason.

8. Intermittent or Reduced-Schedule FMLA

FMLA leave may be taken all at once, intermittently, or on a reduced schedule when medically necessary.

- Periodic medical treatments;
- Flare-ups of a qualifying serious health condition;
- Reduced work hours during recovery; or
- Time needed to care for a qualifying family member with a serious health condition.

Employees must make reasonable efforts to schedule foreseeable treatment so as not to unduly disrupt district operations, when possible and subject to the health care provider's approval.

9. Employee Responsibilities

Employees requesting FMLA should:

1. Notify their supervisor and Central Office as soon as they know leave may be needed.
2. Provide at least 30 days' notice when the need for leave is foreseeable.
3. Fill out "FMLA Leave Request Form" and bring to Lisa in Central Office.
4. Follow normal absence reporting procedures unless unusual circumstances prevent doing so.
5. Provide requested medical certification or other required documentation within the required timeline.
6. Maintain communication with the district regarding leave status and expected return-to-work date.
7. Continue paying any required employee share of health insurance premiums while on unpaid FMLA leave.
8. Provide fitness-for-duty certification before returning to work if requested.

10. District Responsibilities

When the district has enough information to know that an employee's leave may be for an FMLA-qualifying reason, the district will follow the FMLA notice and designation process.

FMLA leave requests may be taken to the Board for approval when required by Board policy, collective bargaining agreement, or district procedure.

1. Review whether the employee is eligible for FMLA.
2. Provide the employee with notice of eligibility and rights and responsibilities.
3. Request medical certification or other documentation if needed.
4. Review submitted certification.
5. Notify the employee whether the leave is approved and designated as FMLA.
6. Have FLMA Leave Board approved, and track FMLA leave usage.
7. Maintain group health benefits during FMLA leave under the same terms as if the employee were working.
8. Restore the employee to the same or an equivalent position at the conclusion of FMLA leave, as required by law.

11. Medical Certification

The district may require medical certification when FMLA leave is requested for:

- The employee's own serious health condition;
- The serious health condition of a spouse, child, or parent;
- Military caregiver leave; or
- Qualifying exigency leave.

Employees will have 15 calendar days to return requested medical certification unless it is not practicable under the circumstances despite the employee's diligent, good-faith efforts.

If certification is incomplete or insufficient, the district may notify the employee what additional information is needed. Failure to provide required certification may delay or result in denial of FMLA protection.

12. Benefits During FMLA

During approved FMLA leave, the district will maintain the employee's group health insurance coverage under the same terms as if the employee had continued working.

Employees will continue to pay their share of the insurance premiums, while they have sick time available this can be taken from their paycheck like normal. When they are out of sick time, employees should contact the Treasurer's Office or payroll office to make arrangements for premium payments during unpaid leave.

Employees generally do not accrue additional paid leave benefits during unpaid FMLA unless required by Board policy, collective bargaining agreement, or law.

13. Returning to Work

At the end of approved FMLA leave, employees are generally entitled to return to the same position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

If the leave was due to the employee's own serious health condition, the district may require a fitness-for-duty certification before the employee returns to work.

Employees should notify the district as soon as possible if their return-to-work date changes, they need additional leave, their medical restrictions change, or they are unable to return at the end of approved FMLA leave.

If an employee needs additional leave after FMLA is exhausted, the district will review the situation consistent with applicable Board policy, collective bargaining agreements, disability accommodation laws, and operational needs.

14. FMLA and Other Leave Laws or Policies

FMLA may overlap with other types of leave or protections, including sick leave, personal leave, workers' compensation, pregnancy-related leave, disability accommodation processes, collective bargaining agreement leave provisions, and Board-approved unpaid leave.

Approval of one type of leave does not automatically mean approval of another. The district will review each situation based on the facts, applicable law, Board policy, and bargaining agreement language.

15. Confidentiality and Protection from Retaliation

Confidentiality

Medical information related to FMLA will be treated as confidential and maintained separately from regular personnel files, as required by law.

Supervisors should not request detailed medical information beyond what is needed for absence reporting and work planning. Medical certification and related documentation should be submitted to the designated district office, not shared broadly.

Names of employees requesting FMLA are not put on the Board agenda to protect people from their leave being publically know.

Protection from Retaliation

The district will not interfere with, restrain, deny, or retaliate against an employee for exercising rights under the FMLA.

Employees who believe they have been denied FMLA rights or treated improperly because of FMLA use should contact the Superintendent, Treasurer, or other designated district administrator.

16. How to Request FMLA Leave

Step	Employee action
Step 1: Notify the district	Contact your supervisor and Central Office as soon as you know leave may be needed. If leave is foreseeable, provide at least 30 days' notice when possible.
Step 2: Complete the initial request	Submit the district's FMLA request form or provide enough information for the district to determine whether FMLA may apply.
Step 3: Review eligibility notice	The district will review eligibility and provide notice of eligibility and rights and responsibilities.
Step 4: Provide certification if requested	If medical or other certification is required, return the completed certification within the required timeline, generally 15 calendar days.
Step 5: Receive designation notice	Once the district has enough information, it will notify you whether the leave is approved and designated as FMLA leave.
Step 6: Stay in communication	During leave, keep the district informed of your status and expected return-to-work date.
Step 7: Return to work	Before returning from leave for your own serious health condition, provide a fitness-for-duty certification if required.

17. Common Questions

Does FMLA give me additional paid days?

No. FMLA provides job-protected leave. It does not create a separate bank of paid leave. Available paid leave may run at the same time as FMLA depending on policy, contract language, and the reason for leave.

If I am out of sick days, can I still be on FMLA?

Yes, if you are eligible and the reason qualifies. Once paid leave is exhausted, approved FMLA leave is generally unpaid.

Does FMLA protect my job?

Yes, FMLA generally provides job protection and requires restoration to the same or an equivalent position when the employee returns from FMLA leave.

Do I keep health insurance while on FMLA?

Yes, group health insurance must generally be maintained under the same terms as if the employee had continued working. The employee remains responsible for any required employee share of premiums.

Does summer break count against FMLA for a 9-month school employee?

Generally, no. Time when the employee is not scheduled or required to report to work does not count against FMLA entitlement.

Can FMLA be taken one day at a time?

Yes, if medically necessary and properly certified, FMLA may be taken intermittently or on a reduced schedule.

Can the district ask for updates?

Yes. The district may request appropriate updates regarding the employee's status and intent to return to work.

Can the district require a return-to-work note?

Yes. If FMLA was taken for the employee's own serious health condition, the district may require a fitness-for-duty certification before the employee returns to work, if properly communicated.

- Fitness-for-Duty Certification, if required

Final Note

This guide is intended to help employees understand the general FMLA process. Each situation is reviewed individually. Employees should contact the district as early as possible when they believe FMLA may be needed so that eligibility, documentation, benefits, and return-to-work requirements can be handled correctly and consistently.