



Employee Guide to Family and Medical Leave

Introduction

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected, unpaid leave for specific family and medical reasons. The purpose of this guide is to help employees understand their rights and responsibilities under the FMLA, as well as the procedures for requesting and using family and medical leave.

What is FMLA?

FMLA allows eligible employees to take leave for up to 12 weeks in a 12-month period for qualifying reasons. The leave is job-protected, meaning employees can return to their position (or an equivalent position) after their leave ends. The FMLA also ensures that employees retain their health benefits during this time.

Eligibility Criteria

To be eligible for FMLA leave, an employee must meet the following conditions:

1. **Work for a Covered Employer:**
 - Your employer must be a covered entity under FMLA (private employers with 50 or more employees, public agencies, and public schools).
 2. **Have Worked for the Employer for 12 Months:**
 - Employees must have worked for the employer for at least 12 months. The 12 months do not need to be consecutive, but any break in service of 7 years or more may affect eligibility.
 3. **Have Worked 1,250 Hours in the Past 12 Months:**
 - Employees must have worked at least 1,250 hours in the 12 months preceding the start of FMLA leave.
 4. **Work at a Location with 50 or More Employees within a 75-Mile Radius:**
 - Your workplace must be within 50 miles of at least 50 other employees.
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Qualifying Reasons for Family and Medical Leave

FMLA leave can be taken for the following reasons:

1. **Personal Serious Health Condition:**

- Leave for a serious health condition that makes the employee unable to perform their essential job functions.
2. **Caring for a Family Member with a Serious Health Condition:**
 - Leave to care for a spouse, child, or parent who has a serious health condition.
 3. **Birth, Adoption, or Foster Care Placement:**
 - Leave to care for a newborn, a newly adopted child, or a child placed with you for foster care. This leave must be taken within the first 12 months following the birth or placement.
 4. **Qualifying Exigency Related to a Family Member's Military Service:**
 - Leave to handle certain affairs (e.g., short-term issues arising from a family member's military service) related to a spouse, child, or parent in the military.
 5. **Military Caregiver Leave:**
 - Up to 26 weeks of leave to care for a covered service member with a serious injury or illness.
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Amount of Leave

- **Up to 12 weeks** of unpaid leave in a 12-month period for most situations (birth, adoption, personal or family health reasons).
- **Up to 26 weeks** in a single 12-month period to care for a service member with a serious illness or injury.

The 12-month period is defined by your employer's policy, which could be a calendar year, a fixed 12-month period, or a rolling 12-month period.

Types of Family and Medical Leave

- **Continuous Leave (*Extension of Leave*):** A single block of time away from work.
 - **Intermittent Leave:** Leave taken in separate blocks of time due to a single health condition or need (e.g., frequent doctor's appointments, flare-ups of a medical condition).
 - **Reduced Schedule Leave:** Reduces the number of hours worked per week or day for a period of time
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How to Request Family and Medical Leave

1. **Notify Your Principal, Human Resources Supervisor, and Staff Accountant:**
 - Employees should provide their immediate supervisor (*principal*), HR supervisor, and the staff accountant with at least 30 days' advance notice if the need for leave is foreseeable (*such as for a scheduled surgery or planned adoption*). If leave is not foreseeable, notice should be given as soon as possible.

2. Complete Family and Medical Leave Forms:

- Complete Family and Medical Leave Request Form to apply for leave. This form typically requests information about the nature of the condition or event that necessitates leave and your health care provider's verification.

3. Medical Certification:

- For health-related leave, you are required to provide medical certification from a licensed healthcare provider to confirm the need for leave. This document must come directly from your physician's office and state the following:
 1. The date the serious health condition began
 2. The probable duration of the condition (**Leave start and return to work dates**)
 3. The necessity for the employee's leave
 4. Confirmation that the employee is unable to perform his/her essential job functions.

4. Employer Response:

- The HR Supervisor will notify you within five business days of whether your leave request has been approved or denied, including how much FMLA leave you are eligible to take and any applicable conditions. All leaves must also be board approved at the next scheduled board meeting.

Pay During Family and Medical Leave

FMLA leave is generally **unpaid**, but you may choose or be required to use paid leave (e.g., sick days, vacation days) to cover part or all of the FMLA leave period.

Job Protection and Benefits During Family and Medical Leave

- **Job Protection:** Your job (*or an equivalent position*) will be waiting for you when you return from FMLA leave, with the same pay, benefits, and terms and conditions of employment.
- **Health Benefits:** If you are enrolled in your employer's health insurance plan, your employer must continue to provide your health benefits during your FMLA leave, on the same terms as if you were working.

However, you may be required to pay your portion of the premiums for benefits during leave. If you fail to return to work after FMLA leave, your employer may ask for reimbursement of health insurance premiums paid during your absence.

Rights and Protections

- **Protection Against Retaliation:** Employers are prohibited from retaliating against employees for exercising their rights under FMLA. This includes taking leave or filing a complaint regarding FMLA violations.

- **Restoration to Position:** Upon return from FMLA leave, employees are entitled to be restored to their original job or an equivalent position with the same pay, benefits, and working conditions.
 - **Non-Interference:** Employers are prohibited from interfering with an employee's FMLA rights, including discouraging them from taking FMLA leave.
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Family and Medical Leave for Part-Time and Temporary Employees

- **Part-Time Employees:** Employees who work part-time may be eligible for FMLA leave, but the amount of leave they receive is proportional to the number of hours they work.
 - **Temporary Employees:** Temporary or seasonal workers are generally not eligible for FMLA leave unless they meet the eligibility requirements (e.g., 12 months of employment and 1,250 hours worked).
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Additional Consideration

- **Confidentiality:** Information related to your health condition and medical certification is confidential and should only be shared with the HR department or other authorized personnel.
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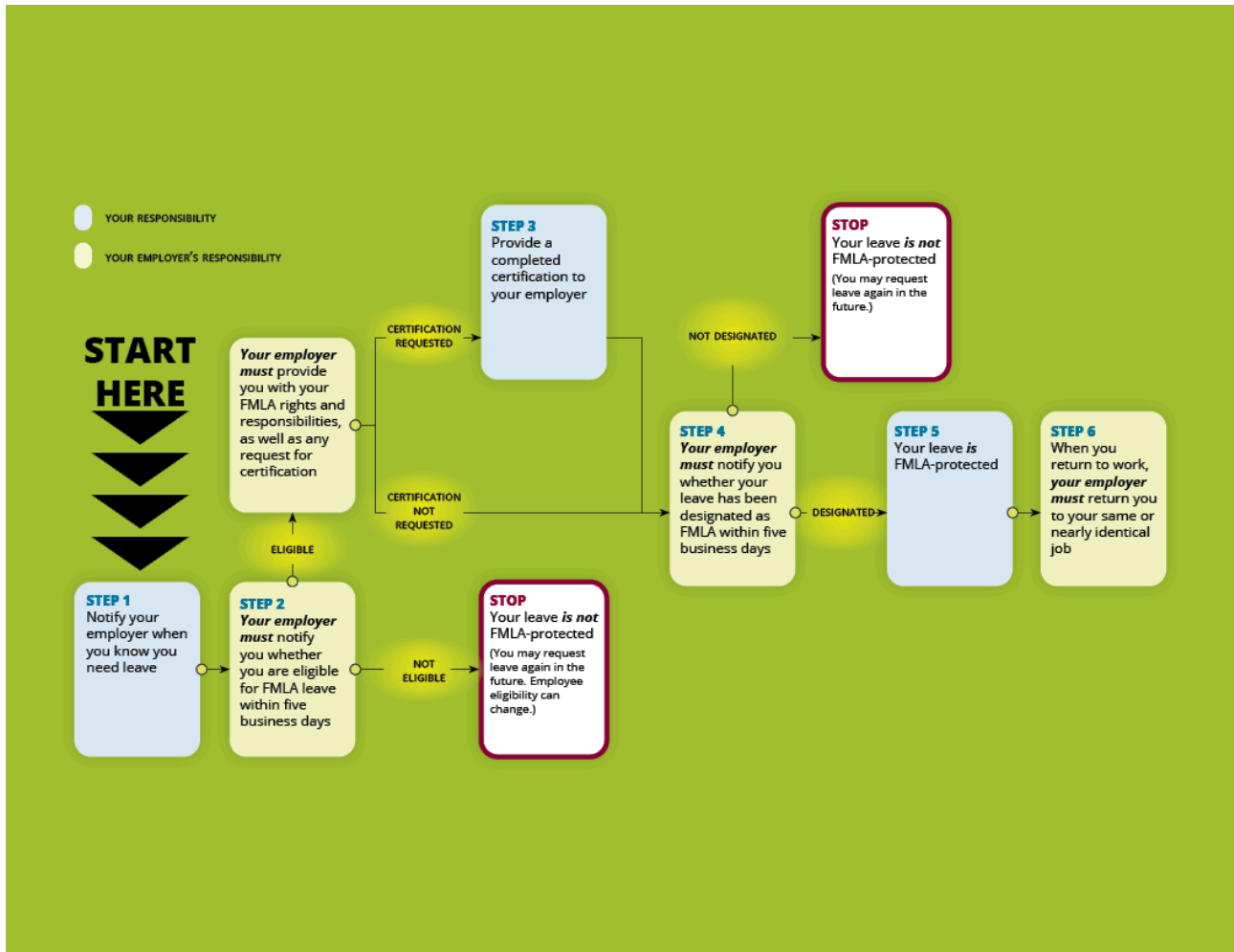
Conclusion

FMLA is designed to help employees balance the demands of work, family, and health. Understanding your rights and responsibilities under the FMLA ensures you can take time off when needed while maintaining your job and benefits. If you have questions or need assistance with the FMLA process, contact your HR department for guidance.

Remember Important Notification Contacts:

1. Immediate Supervisor (*Your School Principal*)
2. Tyesha Thompson, Human Resources Supervisor
Email: tyeshathompson@marengo.k12.al.us
Phone: (334) 295-2270
3. Tiara Calhoun, Staff Accountant (*Payroll*)
Email: tiaracalhoun@marengo.k12.al.us
Phone: (334) 295-2273

Summary of the Family and Medical Leave Process



Step 1: You must notify your immediate supervisor (*principal*), HR supervisor, and staff accountant when you know you need leave.

Step 2: The HR supervisor will provide a notification of whether you are eligible for FMLA leave within five business days. If the notification indicates that you are eligible, then the HR supervisor will provide you with your FMLA rights and responsibilities, as well as making a request for medical certification. If the notification indicates that you are not eligible, then your leave is not FMLA-protected. (*You may request leave again in the future. Employee eligibility can change.*)

Step 3: Provide a completed medical certification from a licensed physician to the HR supervisor. (**See *Medical Certification for list of requirements.***)

Step 4: The HR supervisor will notify you whether your leave has been designated as FMLA within five business days. If your leave has not been designated as FMLA leave, then it is not FMLA-protected. (*You may request leave again in the future.*) All leaves must also be board approved at the next scheduled board meeting.

Step 5: If it is determined that your leave has been board approved and FMLA designated, your leave is FMLA-protected.

Step 6: When you return to work, you return to your same or nearly identical job.