



Q. What is FMLA?

A. FMLA stands for Family & Medical Leave Act. It is a Law that was created in 1993 and is administered and enforced by the Department of Labor's Wage and Hour Division.

Q. What does FMLA do for ME ... as the Employee?

A. This Law was designed to offer "job protection" who are absent from work due to a serious health condition of the employee and/or the employee's Spouse, Child(ren), and/or Parent(s).

Q. What are the eligibility requirements for FMLA?

A. Employee must have worked 1,250 hours during the 12 months prior to the start of the leave AND have worked for Employer for 12 months.

Q. How much FMLA can an Employee use?

A. 12-weeks in a 12-month rolling calendar year "if" eligibility requirements are met.



Q. What types of absences qualify for FML?

A. Any absences for the birth of a child; the placement of a child in the employee's home through adoption or foster care; to care for the employee's spouse, child, or parent (not including in-laws) who has a *serious health condition* ; for a serious health condition that makes the employee unable to perform his/her job; qualifying urgent military leave; military caregiver leave.

* There are specific guidelines for Military Caregivers and Military Exigency Leave.

Q. What is considered a serious health condition?

A. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition

*Serious health condition for current Service Members and Veterans are distinct from the FMLA definition of a "serious health condition."

Q. When an Employee needs FML, what should they do?

A. Contact HR.



Q. Does an Employee's benefits continue while on FML?

A. Yes, an Employee's benefits continue while on FML. Premiums continue to be deducted from the Employee's pay check as long as the Employee is in pay status. The Employee would need to make payments if not in pay status. The Employee pays COBRA-like premiums when the FML expires AND is on LWOP.

Q. How much notice is required for FML?

A. For a foreseeable need ... 2/3 weeks before first day out of work; otherwise ... as soon as possible.

Q. How long does an Employee have to turn in the medical certification paperwork?

A. An employee has 15 calendar days to return the medical certification to HR. If additional information is needed or if the paperwork has not been received in the 15 days, the employee will have an additional seven calendar days to get the information to HR. Failure to meet these deadlines will result in no FMLA protection until the paperwork is received or possible unapproved FMLA.

Q. How long does and Employee need to be out of work to do FML?

A. Typically, "more than" 3 consecutive days; however, FMLA Regulations defined a serious health condition more clearly to make the number of days absent irrelevant. Example: an Intermittent/Continuous absence for a chronic condition that needs FML for one year and needs recertified each year.

Q. Is an Employee on FMLA required to call in if they are going to be absent?

A. YES, the employee must comply with standard departmental call-in procedures. Failure to call in is considered a voluntary resignation.

Q. Is the Employee obligated to notify Management of the need for FML?

A. NO, you just have to contact HR. You can tell Management at your location, but it is not required. HR does inform Payroll AND your Department Head your request for FML AND the dates you're approved for FML for payroll and FMLA tracking purposes.

Q. Does FMLA time run concurrent with sick, vacation, shared leave, etc.?

A. YES, FMLA will run concurrent with any paid leave time and all accrued time is required to be used while on FMLA. FMLA also runs concurrent with Worker's Compensation. You must exhaust your accruals (comp, sick, vacation respectively) before being considered for Shared Leave or being approved for LWOP (leave without pay).

Q. Will Employees on FML receive holiday pay?

A. If they are in pay status the day before and the day after the holiday, they will receive holiday pay. If they are not in pay status (or on LWOP), they will not be paid.

Q. What if an Employee fails to provide the appropriate notice to the employer?

A. Failure to provide a timely notice may result in the FML NOT being approved.

Q. Is an Employee required to periodically check in with their Supervisor while on FMLA?

A. Employee may be required to check in every pay period to ensure accuracy of their timesheet. They should follow the standard departmental guidelines with this.

Q. What happens when the 12- week FMLA leave time expires?

A. Employee will be placed in Non-FMLA status until the medical certification on file expires. Upon expiration of the medical certification date, the employee must return to work or provide medical certification to HR extending their leave. Failure to do one of these two at the time FMLA expires is considered a resignation. Upon returning from leave, the employee MUST provide a doctor's note releasing them to return to work with no restrictions. Failure to return is considered a voluntary resignation.

Q. What if the Employees release to return to work says they are restricted in what they can do?

A. The County DOES NOT provide light duty for non-work related injuries or illnesses; therefore, the employee must remain out of work until they can return to full duty with NO RESTRICTIONS. However, if the restriction does not impact the ESSENTIAL FUNCTIONS of their job, they MAY be able to return.

Q. Why would I receive FMLA Medical Certification paperwork if I have not requested FML?

A. HR is obligated to send the FMLA Medical Certification paperwork once made aware of a potential FML by an employee and/or their Supervisor/Department Head.

Q. If I have enough Sick Leave ... do I still need to do FML?

A. You should & HR highly recommends you do so! Sick leave is a benefit granted by the Board of Commissioners ...it ONLY pays you while you are out of work and does NOT offer job protection. FMLA offers job protection.

Q. What if an Employee is eligible for FML, but decides NOT to use FML for their absences?

A. An Employee CANNOT be made to use FML ... it is totally up to an Employee; HOWEVER, if an Employee elects NOT to do FMLA when they are out of work for a serious health condition for themselves and/or a family member ... their job is NOT protected AND ... absences can be counted against the Employee should an absentee issue arise, and it can count against the Employee's attendance on a performance evaluation (which could affect the % of a merit increase and/or bonus) It also could count against an employee when using the County's Educational Leave Policy.

The FMLA process is ...



- An employee requests FML or Supervisor requests FML for the employee.
- HR needs to know WHO the leave is for, WHAT the leave is for, AND WHEN the leave is needed (to AND from).
- HR sends to the employee the Eligibility Notice (or the Employee Rights & Responsibilities) and the medical certification paperwork within five days of being notified of the need for leave.
- The Employee has 15 days to send the medical certification back to HR ... this can be extended 7 calendar days if not received in 15 days OR if additional information is needed.
- Within five days of receiving the completed medical certification in HR ... HR will send a Designation Notice (or Approval Notice) to the Employee.