

NTA “Did You Know?” Part 3

What is FMLA?

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

12 workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee’s spouse, child, or parent who has a serious health condition;
- 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;” or

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 (military caregiver leave).

Do I qualify for FMLA?

To be eligible for FMLA leave, an employee **must work for a covered employer and:**

- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and,
- work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

How much time do I get?

12 workweeks of leave in a 12-month period.

Am I allowed to take intermittent/reduced schedule FMLA time?

- FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. (CFR Section 203)
- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.
- Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Employers may account for FMLA leave in the shortest period of time that their payroll systems use, provided it is one hour or less. (See CFR Section 825-205)
- Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Do I get paid for my FMLA time away from work?

- Although FMLA is a non-paid leave from work, Newington Public Schools allows employees to use sick time during your disability period for continued pay.
- ASCFME employees only can use all accrued time during their disability period to maintain pay, to include sick, personal and vacation days.

What happens to my health insurance during FMLA?

- You maintain your current insurance during the entire FMLA 12 week period.
- During FMLA leaves of absence, the Board will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premiums (copay). If the employee does not return to work after the expiration of the leave, or is unpaid during any portion of the 12 week leave, the employee will be required to reimburse the Board for payment of health insurance premiums during the FMLA leave, unless the employee does not return because of the presence of a serious health condition which prevents that employee from performing his/her job, or circumstances beyond the control of the employee.
- When you take a leave beyond the FMLA 12 week period, such as a child-rearing leave, you are eligible to purchase insurance through COBRA.

Do weekends, vacations and summer vacation count in the 12 FMLA weeks?

- No. Only workweeks count toward the FMLA 12 week period. A “workweek” must consist of three or more working days.
- For contracted teachers, FMLA can be used across school years. For example: If your FMLA leave begins in May, and you use six weeks until school closes for the summer, you may resume your FMLA leave to start the new school year for the remaining six weeks.

What paperwork is needed for FMLA?

A doctor’s note(s) stating the length of your disability period with a return to work without restriction date is required. Additionally, one of the following forms must be completed:

- [FMLA Form: Certification of Health Care Provider for EMPLOYEE’S Serious Health Condition](https://www.npsct.org/UserFiles/Servers/Server_477314/File/RESOURCES/For_Staff/FMLA_Form_for_Employee.pdf); or

https://www.npsct.org/UserFiles/Servers/Server_477314/File/RESOURCES/For_Staff/FMLA_Form_for_Employee.pdf

- [FMLA Form: Certification of Health Care Provider for FAMILY MEMBER’S Serious Health Condition](https://www.npsct.org/UserFiles/Servers/Server_477314/File/RESOURCES/For_Staff/FMLA_Form_for_Family_Member.pdf) or

https://www.npsct.org/UserFiles/Servers/Server_477314/File/RESOURCES/For_Staff/FMLA_Form_for_Family_Member.pdf

Other good links include:

[FMLA Employee Guide](#) or

https://drive.google.com/a/npsct.org/file/d/1GY25ckkAChRYIIflIXC_H4uD9FGKw_tU/view?usp=sharing

[US FMLA Policy](#) or <http://www.dol.gov/whd/fmla/employeeeguide.htm>