

Frequently Asked Questions

What is FMLA?

FMLA is leave entitlement for reasonable, job-protected leave for specified family and or medical reasons. Under the federal Family and Medical Leave Act (FMLA) eligible employees have a right for up to 12 weeks of job-protected leave per 12-month period for the following reasons:

- For incapacity due to pregnancy, prenatal care or child birth
- To care for the employee's child after birth, placement for adoption, foster care and bonding
- To care for the employee's spouse, son or daughter, or parent with a serious health condition
- For a serious health condition that makes the employee unable to perform the employee's job

Leave Entitlement

What is my entitlement under the Family Medical Leave Act?

If you are an "eligible" employee, you are entitled up to twelve (12) workweeks of leave in a 12-month period for one or more of the following reasons:

- for the birth of a son or daughter, and to care for a newborn child;
- to bond with a child (leave must be taken within 1 year of the child's birth or placement);
- or the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; and
- if the employee is unable to work due to a serious health condition.

Spouses employed by the District may be limited to a combined total of 12 workweeks of family leave for the following reasons:

- birth and care of a child;
- to bond with a child;
- for the placement of a child for adoption or foster care, and to care for the newly placed child; and
- to care for an employee's parent who has a serious health condition.

What is the definition of a serious health condition?

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” for a serious health condition that qualifies for FMLA leave is:

- 1) A period of incapacity of more than three consecutive full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment;
- 2) Any period of incapacity related to pregnancy or for prenatal care;
- 3) Any period of incapacity or treatment for a chronic serious health condition;
- 4) A period of incapacity for permanent or long-term conditions for which treatment may not be effective;
- 5) Any period of incapacity to receive multiple treatments (including recovery from treatments for restorative surgery, or for a condition which would likely result in incapacity of more than three consecutive full calendar days absent for medical treatment).

Which employees are eligible to take FMLA leave?

Employees are eligible to take FMLA leave if they have worked for the district for at least one (1) year and have 1,250 hours of service in the previous 12 months.

Generally, part-time employees are not eligible for FMLA leave due to the 1,250 hours eligibility requirement. Therefore, requests for time off work for part-time employees should be addressed with the supervisor/manager and approval may be granted at the discretion of the supervisor/manager.

Part-time employees may qualify for FMLA leave by working overtime, additional work assignments, etc. If this applies to you, please contact a Leave Administrator to confirm additional hours worked and the possibility of FMLA eligibility.

What is a “rolling” 12-month period?

The rolling 12-month period is measured backwards beginning with the date the employee uses FMLA leave.

Example: An employee takes time off work due to the birth of a child in May. The leave period taken is for 12 weeks. In November, the employee is scheduled for surgery. The request for leave in November will not be counted towards FMLA due to the 12 weeks entitlement previously used during the leave in May.

Can leave be taken to care for children of any age?

FMLA leave is only available to care for a child under the age of 18 years or older with a disability where the child is unable to perform activities of daily living without assistance. An eligible employee covered by Military Family Leave can take the leave to care for spouse, son, daughter, parent, or next of kin.

Can leave for childbirth or adoption be taken at any time?

Leave must be taken within 12 months after the birth or placement for adoption or foster care. In many circumstances, however, the leave may start before the birth or placement for adoption, such as leave needed for pre-natal care or for home studies in connection with an adoption.

May I take additional time off work to bond with my new born?

You must submit the Parenting/Bonding request form to your designated Leave Administrator indicating the actual date you will be returning back to work. The request for bonding time must be submitted with the initial leave request or within the first year of the birth of a child.

Can the District deny Family Medical Leave?

The following reasons would apply:

- If you do not meet the eligibility requirements
- Employees who give unequivocal notice that they do not intend to return to work lose their entitlement to FMLA leave.
- Employees who are unable to return to work and have exhausted their 12 weeks of FMLA leave in the designated "12-month period" no longer have FMLA protections of leave or job restoration.

How can I be compensated during my approved Leave of Absence?

If applicable, employees are required to request the use of personal days at the beginning of the approved leave. Accrued sick/vacation/personal time will be exhausted before unpaid leave can be taken.

If a recognized holiday falls during an employee's paid absence, holiday pay will be received. Employees eligible for paid holidays must be in paid status (available sick/vacation/personal) the last scheduled workday preceding the holiday and the first scheduled workday following the holiday.

- **Note to all employees (excluding hourly employees): If any portion of your Leave of Absence is unpaid, upon your return to work your salary will be recalculated**

according to the number of scheduled workdays and pay periods remaining in the school year.

Employer Notice Requirements

The designated Leave Administrator will notify the employee of FMLA eligibility within five (5) business days of the employee requesting leave.

- The total period of leave will not exceed one (1) year. FMLA provides up to twelve (12) weeks of job-protected leave. Additional leave- beyond twelve (12) weeks may be granted; however, the absences will be Non-FMLA.

Exceptions to the one (1) year restriction may apply for leaves granted as a reasonable accommodation under the American with Disabilities Act (ADA).

Employee Notice Requirements

If you are absent or expecting to be absent for ten (10) consecutive workdays and/or more, you will be required to file a Leave of Absence packet with the Office of Employee Benefits, room 108.

Consecutive absences of nine (9) days or less will be handled by the Administrator/Supervisor. You will be required to submit documentation supporting your absences. The statement should only indicate the beginning/ending dates of care by the attending physician.

Failure to provide supporting documentation for any absences may result in further disciplinary action.

The Leave of Absence packets are available in the Office of Employee Benefits room 108 or online <http://www.scsk12.org/benefits-for-active-employees/leave-of-absence>

Please submit the original documents.

What is considered reasonable notice before taking FMLA leave?

When the need for leave is foreseeable based on the expected birth, placement for adoption or foster care, or planned medical treatment, an employee must give at least thirty (30) days notice. When the need for leave is unforeseeable, employees are required to provide reasonable notice.

What happens if the 30 days notice is not provided?

Where leave is foreseeable and there is no reasonable excuse for not giving 30 days' notice, the employer can deny FMLA leave, and presumably apply its other policies, for up to 30 days after the notice is provided.

May I extend my medical leave? The employee will be required to submit an updated [Certification of Healthcare Provider Form](#) completed by the attending physician to the Benefits office. The request for extension must be submitted five (5) days prior to the expiration of the initial leave request.

What paperwork is required before returning back to work? You must report to the Office of Employee Benefits five (5) business days prior to the end of your approved leave of absence. The reinstatement form must be signed by the Leave Administrator prior to returning back to work. Failure to comply may result in a delay of the processing of your leave return which could delay your paycheck.

If you are released to return back to work earlier than anticipated; you must submit a statement from your physician indicating the revised return to work date.

If you have been released by your physician to return to work with restrictions; you must submit a statement from your physician identifying the limitations and the timeframe (specific dates) in which limitations are effective.

After the reinstatement form has been signed by the Leave Administrator, you will receive a copy for your records and a copy to submit to your supervisor/manager upon your return to work.

Benefits Continuation while on a Paid Leave of Absence

While on an approved paid leave of absence, the premiums for medical, dental, vision, basic life, flexible spending account, Minnesota life (supplement life) and Standard (long term disability) insurance will continue to be deducted from your paycheck.

Benefits Continuation while on an Unpaid Leave of Absence

While on an approved unpaid leave of absence, you will be responsible for paying medical, dental, vision, basic life, flexible spending account, Minnesota life (supplement life) and Standard (voluntary long-term disability) insurance premiums.

Each voluntary benefit is administered by the corresponding insurance carrier. You will be required to make payments for voluntary premiums directly to the outside carriers. The carriers include: AFLAC, American Fidelity, NEA, NTA, etc.

Making Payments

If you are on an approved leave of absence and go into unpaid status, you will receive a monthly invoice for medical, dental, vision, basic life, flexible spending account, Minnesota life (supplement life) and Standard (long term disability) until your return to active employment.

Failure to receive an invoice does not relieve you from your responsibility of making timely premium payments. Failure to submit your payments will result in the termination of the insurance coverage for non-payment.

The payments should be made every pay period directly to the Office of Employee Benefits, room 108. Checks and money orders are made payable to: Shelby County Schools. Failure to submit your payments will result in the termination of the insurance coverage for non-payment. You will have the option to re-elect health insurance coverage within thirty (30) days of your return from the approved leave of absence. If you miss the thirty (30) day window, you will have the opportunity to re-elect coverage during the next health insurance open enrollment period.

A Statement of Health form must be completed and submitted to Minnesota Life for re-enrollment approval in the Basic Group Life Insurance. The Statement of Health forms are available in the Benefits Office, room 108.

A Statement of Health form must be completed and submitted to Standard Insurance Company for re-enrollment approval in the Long Term Disability plan.

****Note to Teachers/Instructional employees only:***

If leave is taken more than five (5) weeks prior to the end of the semester, and the return to employment is within three (3) weeks of the ending semester, the teacher will not be able to return until the first day of the next semester.

If the leave is taken five (5) weeks prior to the end of the semester, and the return of employment is within two (2) weeks of the ending semester, the teacher will not be able to return until the first day of the next semester.