



# Family Medical Leave Act



# Eligibility

- Employee is eligible for Family Medical Leave if:
  - He/she has worked for employer at least 1,250 hours during 12-month period immediately preceding the start of the leave
  - Teachers are exempt from the 1250 hour requirement
  - He/she has worked for employer at least 12 months and
  - His/her employer employs 50 or more employees within 75 miles of where employee works



# Amount of Leave

- 12 weeks of unpaid leave per calendar year
- When medically necessary, employee may take up to 12 weeks of leave on intermittent basis rather than one single block of time



# Circumstances Requiring Leave

- Serious health condition
- Birth, adoption or placement of a child
- Caring for a family member
- Qualifying urgent needs related to active duty or call to active duty status as a member/family member of the National Guard or Reserves in support of a contingency operation.




# Serious Health Condition

- Employee is entitled to leave for various health conditions that makes him/her “unable to perform the functions of his/her position”
- Serious Health conditions include:
  - Illness
  - Injury
  - Impairment
  - Physical or mental condition
    - That involves inpatient care or continuing treatment by a health care provider



# Conditions Which Are Not Considered Serious Health Conditions

- Voluntary or cosmetic treatments (unless inpatient hospital care is required)
- Routine preventive physical examinations
- Minor illnesses (common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches, routine dental problems)
- However, these can qualify as serious health conditions if they cause incapacity for more than 3 consecutive calendar days and require continuing treatment by a health care provider.



# When is Employee “Unable to Perform the Functions” of his/her Position?

- When health care provider finds employee is unable to work at all or is unable to perform any one of the “essential functions” of the job
- When employee must be absent from work for treatments
- Treatment does not include routine physical examinations, eye examinations, or dental examinations

# Birth, Adoption, or Placement of Child


- Employee entitled to leave for care of employee's child, such as:
  - Birth
  - Placement for adoption
  - Foster care
  - In MO, all public employers must allow employees to use accrued sick leave or maternity leave to arrange for the adoption of a child
  - Entitlement to leave after placement or birth of child ends 12 months after the date of birth or placement
  - When both spouses in family work for same District, they will be entitled to a total of 12 weeks of unpaid leave (rather than 12 weeks each) for the birth, adoption or foster placement of child





# Caring for A Family Member

- Employee entitled to leave for care of employee's spouse, son, daughter, or parent who has serious health condition
- Stepchildren are not considered "children" unless formally adopted by employee or if employee stands "in loco parentis" to child



# Employee's Advance Notice Requirements

- Foreseeable leave
  - Must provide employer 30-day's advance notice
- Unforeseeable leave
  - Must give verbal notification as soon as practicable
  - In most cases should be within one or two business days from when need for leave becomes known to employee



# Designation of FMLA Leave

- Employer's responsibility to designate leave, paid, or unpaid, as FMLA – qualifying
- Employer's responsibility to give notice to the employee of the designation
- Employee's responsibility to explain reasons for needing leave if requesting unpaid leave
- If employee requests paid leave, employer may inquire of employee to determine if reason qualifies under FMLA
- If dispute arises regarding designation of leave, all discussions and conflict must be documented
- Employer's notice to employee that leave is FMLA leave can be oral, but must be confirmed in writing no later than the following pay day



# Retroactive Designation

- Employer may designate leave retroactively if employee was absent for FMLA reason and employer didn't know of reason for leave until employee returned
- Employer may designate leave retroactively if employer had provisionally designated the leave as FMLA leave and was awaiting receipt from the employee of certification or of another opinion when employee returned to work



# Regulation 4321

- During a leave related to the employee's serious health condition, the employee shall exhaust all available paid sick leave, personal leave or vacation before continuing such leave on an unpaid basis.
- During a family or medical leave provided under this policy for birth, placement of a child for adoption or foster care, or for care of a family member, an employee shall first exhaust all unused vacation, personal leave, or sick leave days before continuing such leave on an unpaid basis.



# Fitness-For-Duty Certificates

- When FML is for personal health, an employee must submit the district's Fitness-for-Duty form at least 24 hours before planning to return to work.
- Please have your doctor fax completed forms to our fax machine at (816) 521-5619.



# Suggested Practice

- Supervisors will refer employees to Human Resources to see if they qualify for FMLA when they intend or have been absent three or more days. These days can be consecutive (3 in a row) or intermittent but for the same health related condition.
- An employee can contact Human Resources, any time, to discuss FMLA.



If You Have Questions Just Call!

Greg Gilliam

Human Resources Supervisor

521-5300