

Medical Leave Fact Sheet

The Family Medical Leave Act (FMLA) entitles you to take twelve (12) weeks of paid/unpaid, job-protected leave for certain family and medical reasons, and continue in group health insurance coverage under the same terms and conditions as if you had not taken leave. Whether the leave is paid or unpaid is dependent on what benefits you have available. Leaves may be continuous or intermittent. Approved FMLA leave is used concurrently with any payable time. Earned sick and vacation time must be used and will count toward the 12-week limit.

Eligibility Requirements

D120 employees are eligible for FMLA leave if they have worked at the district for at least one (1) year, for 1,250 hours over the previous 12 months.

D120 employees may take FMLA leave for the following reasons:

- incapacity due to pregnancy, prenatal medical care, or child birth;
- care for the employee's child after birth, or placement for adoption or foster care;
- care for the employee's spouse, son, daughter, or parent, who has a serious health condition/injury;
- for a serious health condition/injury rendering you unable to perform the duties of your job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending military events, arranging for alternative childcare, addressing financial and legal arrangements, attending counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a 12-month period. A covered service member is a current member of the Armed Forces, including the National Guard and Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation, therapy, in outpatient status, or is on the temporary disability retired list.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Job Protection and Benefits

When you return from FMLA leave, you will be restored to your original or equivalent position with equivalent pay, benefits, and other terms of employment. Your group health insurance or other existing benefits will be maintained for the duration of your FMLA leave.

Employee Responsibilities

If you are going to be absent for more than three (3) consecutive days due to a serious health condition or injury you must notify your supervisor and Human Resources. You must provide thirty (30) calendar days advance notice of the need to take FMLA leave when the need for the leave is foreseeable. When thirty (30) calendar days notice is not possible, the you must provide notice as soon as practicable and must comply with their supervisor's call-in procedures.

You must provide sufficient information for the district to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

You also must provide the district with certification of your medical condition or your family member's medical condition from a health care provider. Written documentation to support the absence must be received no later than 15 calendar days following the signed FMLA application. If documentation is not received within the allowed time period, the leave could be denied.

Employer Responsibilities

When you request FMLA leave, the District must inform you whether you are eligible under FMLA. If you meet the eligibility requirements, you will be provided with the necessary forms to certify your leave and the Employee Requirements While on Medical Leave checklist. If you are not eligible, the district will provide you with a reason for the ineligibility.

Returning to Work

If you have been off work due to your own serious health condition and your physician returns you to work with no restrictions, you must submit a physician's release form to Human Resources as soon as you receive it.

If your physician returns you to work with restrictions or on a part-time basis, the District may need up to three (3) business days to determine if you will be able to perform your duties according to your job description. During this three (3) day period, you will remain on leave. You **CANNOT** return to work with restrictions until the District agrees to accept the limitations.

If you are an individual with a disability and require a reasonable accommodation under the Americans with Disabilities Act (ADA) you may request an accommodation by contacting the Human Resources Director.

If you are returning to work from a continuous FMLA leave for caring for a family member, you must notify Human Resources of your impending return as soon as possible.

Unlawful Acts by Employers

FMLA makes it unlawful for the District to interfere with, restrain, or deny the exercise of any right provided by the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

You may file a complaint with the United States Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.