



Thomaston Public Schools FMLA Training for Employees

BASIC PROVISIONS

- Federal regulation - 12 weeks every 12 months
- Job protection ONLY - return to same or equivalent position and pay
- Benefits protected
- Eligibility – must have worked for employer for 12 months
- Most employees must have worked 1250 hours in previous 12 months*
*Paraprofessionals are only required to have worked 950

IS FMLA PAID OR UNPAID?

- FMLA leave is **UNPAID**; however:
- An eligible employee may choose paid leave to run concurrently with FMLA, or
- The employer may require employee's accrued paid leave to run concurrently with FMLA leave
- FMLA leave may run concurrently with Workers Compensation, STD, LTD, sick leave, vacation or personal time off
- Employees should refer to their Collective Bargaining Agreement for specific protocol

WHAT TRIGGERS THE FMLA?

- The birth of a child and care within the first year after birth
- The placement of a child with employee for adoption or foster care and care for child
- To care for a spouse, son, daughter or parent with a serious health condition
- Because of the employee's own serious health condition

WHAT IS INTERMITTENT LEAVE?

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances:

- when medically necessary for planned and/or unanticipated medical treatment
- for recovery from treatment or recovery from a serious health condition
- for the care and comfort of a family member
- for absences where employee or family member is incapacitated

If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment ---- the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.

EMPLOYEE NOTICE – INITIATING THE LEAVE

When the need for leave is foreseeable, i.e. scheduled surgery, at least 30-days advance notice is requested.

When the need for leave is unexpected, employer should be notified as soon as possible.

Under either condition, please notify your manager, Francine Coss, Superintendent, Thomaston Public Schools (fcoss@thomastonschools.org) and HR@thomastonschools.org immediately.

MEDICAL CERTIFICATION

- Employer may request certification of the serious health condition by a health care provider (Job description may be attached)
- Employee must be given at least 15 days after receipt of the form from the employer to return the medical certification
 - Employer should give employee additional time where 15 days is not practicable, and employee is making a good faith effort.

Please note:

Employers with enough information to determine that an employee is out of work for an FMLA-qualifying event, is REQUIRED to distribute FMLA paperwork to such employee. If the employee fails to comply with submission of required medical certification, the Employer may deem the absence covered by FMLA, and deduct such time from the employee's allotted FMLA job protection bank on his/her behalf, in order to avoid an unexcused absence.

DEFINITIONS

PARENT - a biological, foster, adoptive or stepparent, or legal guardian of an eligible employee, or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

SON OR DAUGHTER - a biological, adopted, foster child, stepchild, legal ward, or child of a person standing in loco parentis, who is

- (A) under eighteen years of age; or
- (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability
- Incapable of self-care – requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "instrumental activities of daily living"
 - ADLs – grooming, hygiene, eating....
 - IADLs – using a checkbook, taking public transportation, cooking....

SPOUSE - husband or wife

CLARIFICATION

What does it mean "to care for" a family member?

Physical or psychological care - includes situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care.

SERIOUS HEALTH CONDITION

Inpatient care

Incapacitated more than 3 consecutive calendar days, plus two HCP visits (1st visit within 7 days, 2nd within 30 days)

Incapacitated more than 3 consecutive calendar days, plus one HCP visit (within 7 days) and regimen of treatment (prescription medicine, physical therapy, etc.)

Chronic illness

Pregnancy

Restorative surgery/illness left untreated

Long term condition

Mental Health Issues – stress, anxiety, depression, etc. if it falls within one of the 7 categories.

Substance Abuse – FMLA may be taken only for treatment for substance abuse by a health care provider.

Absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.