Family and Medical Leave Act (FMLA)

(Up to 12 weeks)
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MEDICAL LEAVE OF ABSENCE REQUIREMENTS

Request for leave must be made at least thirty (30) days prior to the date the requested leave is to begin, or as soon as practicable under the circumstances. The LRSD may delay FMLA coverage to any employee who fails to provide timely notice of the need for leave.

The employee must complete the appropriate “Request for Medical Leave of Absence, Family and Medical Leave Act (FMLA)” form. Please note, ALL leave types require the completion of an application for leave and any other related forms for the specified leave of absence to be determined for approval.

Upon receipt of the Request for Medical Leave of Absence, Family and Medical Leave Act (FMLA) form, the employee will receive a Notice of Eligibility and Rights & Responsibilities Form. The LRSD will require the employee to complete the appropriate Certification of Healthcare Provider form.

The employee must return a completed Certification of Healthcare Provider form within fifteen (15) calendar days of the LRSD request. Failure to provide the required Certification of Healthcare Provider form within the 15 calendar days notice may result in FMLA coverage being denied until the required certification is provided.

Specific dates (start date and estimated return date) MUST be provided in the Certification of Healthcare Provider form. Statements such as “until further notice”, “undetermined,” or “until next appointment”, etc. will NOT be accepted.

If the Certification of Healthcare Provider form is incomplete or insufficient, Human Resources (HR) will notify the employee in writing of such, stating what information is needed to cure the deficiency. The employee must cure the deficiency within seven (7) calendar days of the notification of the deficiency, unless impracticable under the circumstances despite the employee’s diligent good faith efforts. Failure to provide an adequate Certification of Healthcare Provider form may result in the denial of FMLA coverage.

The LRSD will maintain the coverage under any group health plan for any employee on medical leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. Any share of group health insurance premiums which had been paid by the employee prior to medical leave must continue to be paid by the employee during the medical leave period.

Prior to returning to work, the employee shall submit a “Medical Leave Return to Work Certification” form completed by the employee’s health care provider. The Medical Leave Return to Work Certification may be submitted to HR in-person, by mail or by facsimile at (501) 447-1162. The employee should NOT return to work until he/she makes contact with HR and the employee receives authorization to return to work. HR will notify the employee’s supervisor of the employee’s return to work.

_________________________ _________________________ _________________________
Employee Name (Print)       Employee Signature       Date
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_______________________________________ _________________________________________ ________________________
Employee Name (Print)                           Employee Signature                           Date

HUMAN RESOURCES DEPARTMENT
Little Rock School District ◆ 810 West Markham St. ◆ Little Rock, AR 72201 ◆ 501-447-1100 ◆ (fax) 501-447-1162
REQUEST FOR MEDICAL LEAVE OF ABSENCE
Family and Medical Leave Act (FMLA) (up to 12 weeks)

Date:___________________________________________ Social Security Number____________________________

Employee’s Name (Print):___________________________________________________________________________

Position:________________________________________ Location:___________________________________________

Phone Number:______________________________ Alternate Number:________________________________

Address:________________________________________ Apt:________________________

City: _______________ State:______ Zip Code_________ Email Address:________________

• I understand that my request for a medical leave of absence must be accompanied by a Certification of Healthcare Provider form, which must be provided within 15 days of the request.

• I also understand that my medical leave will run concurrently with my accrued paid sick leave. Request for Medical Leave must be made 30 days prior to the date requested leave is to begin.

Please initial:  _______

I request a Medical Leave of Absence for one or more of the following reasons:

☐ The birth of a child, or the placement of a child with me for adoption or foster care; or

☐ A serious health condition that makes me unable to perform the essential functions of my job; or

☐ A serious health condition affecting my spouse child parent for which I am needed to provided care; or

☐ Any qualifying exigency arising from my spouse child parent who is on active military duty, or has been notified of any impending call to active duty status, in support of a contingency operation.

☐ Care for my:  ☐ spouse  ☐ child  ☐ parent or  ☐ next of kin who is a covered service member recovering from a serious illness or injury in the line of duty on active military duty, who is a:  ☐ current service member  ☐ veteran

☐ Military Leave

☐ I am a current service member injured in the line of duty.

Please submit original (not a copy) to:
Human Resources Department
ATTN: Medical Leave
REQUEST FOR MEDICAL LEAVE OF ABSENCE
Family and Medical Leave Act (FMLA) (up to 12 weeks)

☐ Intermittent Leave or leave on a reduced leave schedule due to:

☐ My own serious health condition  ☐ Care for an immediate family member

The estimated schedule I am requesting for intermittent leave is:

________________________________________________________________________

The reason for requesting this schedule is:

________________________________________________________________________

If my request for medical leave of absence is granted, I understand that I will be required to provide the District with a statement from my Healthcare Provider confirming that I am fully capable of performing the essential duties of my position prior to my return to work.

Please initial: _______ (MUST BE INITIALED)

I UNDERSTAND that I must comply with Little Rock School District procedures for requesting leave and reporting my absences. I also understand that I may be required to provide additional documentation including medical certification as required and as requested by the District.

Employee’s Signature ____________________________ Date ____________________________

For HR District Personnel to Complete:

<table>
<thead>
<tr>
<th>PRIOR FMLA DAYS USED</th>
<th>#FMLA DAYS ELIGIBLE</th>
<th>#FMLA DAYS REQUESTED</th>
<th>#SICK LEAVE DAYS AVAILABLE</th>
<th>ADDITIONAL COMMENTS</th>
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A FAMILY MEDICAL LEAVE OF ABSENCE IS:

_____ Approved for Dates: ______________ to ______________ (_____ days)

_____ Not approved due to: ____________________________________________________________

Designated Administrator ____________________________ Date ____________________________
EMPLOYEE:

Employee Name (Print):_____________________________________________________________________________

Position:________________________________________ Location:___________________________________________

Phone Number:________________________________ Email address:_____________________________________

Employee Signature:__________________________________________ Date:________________________________

TREATING HEALTH CARE PROVIDER:

Please review the attached job description. Based on your review of the attached job description is the above employee able to perform the essential functions of the position?

☐ Yes  ☐ No  ☐ Yes, with restrictions or accommodations

Please list any restrictions/limitations or describe accommodations which LRSD should consider:
MEDICAL LEAVE RETURN TO WORK CERTIFICATION

TREATING HEALTH CARE PROVIDER (continued):

Are the restrictions/limitations: □ Permanent □ Temporary, until (Date): ______________________________

Comments:

________________________________________________________

Employee is released to return to work effective (Date): ______________________________

Treating Healthcare Practitioner Name (Print): ____________________________________________

Treating Healthcare Practitioner Signature: _____________________________________________

Specialty: __________________________________________________________________________

Address: ____________________________________________________________________________

Phone number: _______________________________________________________________________

Date: ______________________________ Contact Phone Number: ___________________________
**Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

**Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call 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 certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain 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 servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections**

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**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, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

**Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is 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. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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**

An employee may file a complaint with the U.S. 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.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.