Q – What is Family and Medical Leave (FMLA)?

A – The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

Basic Leave Entitlements:
- For incapacity due to pregnancy, prenatal medical care or childbirth;
- 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 Leave Entitlements:
- For qualifying exigencies for 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. (up to 12 weeks)
  o Qualifying exigencies may include:
    • Attending certain military events
    • Arranging for alternative childcare
    • Addressing certain financial and legal arrangements
    • Attending certain counseling sessions
    • Attending post-deployment reintegration briefings
- To care for a covered servicemember of the Armed Forces, including 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. (up to 26 weeks)

Q – What factors determine whether an employee is eligible for a FMLA leave of absence for up to 12 weeks?

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

Q – How much FMLA leave am I entitled to once I qualify?

A – All employees with the LRSD are entitled up to 12 weeks of FMLA leave, pending eligibility approval. Employees caring for a servicemember are entitled up to 26 weeks of FMLA leave, pending eligibility approval.
LRSD MEDICAL LEAVE OF ABSENCE FAQ

Q – What is a serious health condition?

A – An illness, injury, impairment, or physical or mental condition that involves
   • Inpatient care;
   • Incapacity for more than three days with continuing treatment by a health care
     provider;
   • Incapacity relating to pregnancy or prenatal care;
   • Long-term incapacity;
   • Chronic serious health conditions;
   • Certain conditions requiring multiple treatments.

Q – Do I have to take all of my 12 weeks of FMLA at once?

A – No, absolutely not. FMLA leave should only be taken as medically necessary. For
   example, an employee may only need to take 5 weeks of FMLA.

Q – How soon should I submit paperwork for a medical leave of absence?

A – Approximately 30 days prior, or as soon as possible prior leave.

Q – Where can I locate the medical leave of absence paperwork?

A – In person from the Human Resources office or on the LRSD Website under Human
   Resources Forms tab.

Q – What happens once I submit the required paperwork for a medical leave of
   absence?

A – Your application/paperwork will be reviewed by HR and you will be notified of eligibility & approval.

Q – When should I submit my Release to Return to Work form?

A – Approximately two weeks (14 days) prior to your return to work or as soon as possible.

Q – Are medical leave of absences paid leave or unpaid leave?

A – A medical leave of absence is unpaid, unless the employee has accrued sick leave, which will run concurrent with a medical leave of absence or if the employee is eligible for short-term disability coverage.

Q – How long can I remain on a medical leave of absence?

A – All eligible employees are entitled to 12 weeks covered under FMLA leave. Once the 12 weeks of FMLA has been exhausted, the length of time an employee can remain on a medical leave of absence depends on the reason for the leave of absence and whether the
employee falls under a negotiated agreement with applicable lengths of time allotted to remain on leave. NOTE: Job-protected leave in any case normally falls within one year of the need for an extended medical leave of absence in most cases.

Q – Who is a covered family member under FMLA?

A – The FMLA allows an employee to take leave to care for the employee’s spouse, son, daughter or parent with a serious health condition. The FMLA defines the term “parent” as “a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to” the employee when he or she was a minor.

Family members NOT covered by the federal FMLA include siblings, in-laws, grandparents and other extended family members unless those individuals stood “in loco parentis” to the employee when he or she was a minor.

Q – Will my normal insurance coverage continue while on an extended medical leave of absence?

A – During the initial 12 weeks of FMLA, an employee’s normal insurance coverage will continue as usual. At the exhaustion of an employee’s 12 weeks of FMLA approval and when an employee has run out of accrued sick leave, the employee will be placed on COBRA. The employee will be required to pay his/her premium portion of their health insurance AND the District’s portion to AR Benefits. Upon proof of receipt of payment, the District will reimburse the employee for the District’s portion for up to 1 year.

If an employee’s accrued sick leave runs out before the exhaustion of an employee’s 12 weeks of FMLA, the employee will be responsible for paying their portion of their health insurance premium directly to Payroll.

Q – What happens to my job when I take an extended medical leave of absence?

A – An employee’s 12 weeks of FMLA leave is job-protected leave. Upon return at the exhaustion of or before an employee’s FMLA leave expires, an employee will be restored to his/her original position.

An employee returning from an approved medical leave of absence which had a definite ending and a definite beginning which does not extend beyond 1 year, when approved, will be assigned to his/her original position, if it still exists, or to a substantially equivalent position if it does not.

This does not require the Board to create another position for a returning employee if his/her original position does not exist or if a substantially equivalent position is not available.