



Rolla Public Schools Family Medical Leave Act (FMLA)



When an employee is out 5 days in a row, the absence must be recorded as a long-term absence. When an employee will be on a long-term (5 or more days) absence Shannon Pogue will send the Family Medical Leave Act (FMLA) paperwork. Shannon Pogue can determine if any adjustments are necessary to the employee's contract due to a lack of available leave (this is for contracted employees only).

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FMLA Frequently Asked Questions

Q: What is FMLA?

A: FMLA is the Family Medical Leave Act of 1993. It provides job protection to eligible employees and allows up to 12 weeks of unpaid leave for certain medical and family events in a 12-month period.

Q: What types of leave would qualify for FMLA?

A: There are two types of leave available to you:

- Medical leave is for your own serious health condition or a serious health condition for your immediate family member (parent/child/spouse). "Your own serious health condition" includes pregnancy. For additional information on how FMLA works for pregnancy, see the Parental Leave Frequently Asked Questions.
- Family leave is for the: a) birth of your child, or b) placement of an adoptive or foster child in your home. Leave must be taken within 12 months of the birth or placement of the child in your home.

Q: Who is eligible?

A: To be eligible for FMLA, you must have worked for Rolla Public School District for at least 12 months and a minimum of 1,250 hours within the past 12 months.

Q: I have 12 months of service with Rolla Public School District, but they are not consecutive. Do I still qualify for FMLA?

A: You may. The 12 months of employment are not required to be consecutive in order for the employee to qualify for FMLA leave. Employment prior to a continuous break in service of 7 years or more will not be counted.

Q: What are the qualifying reasons for FMLA leave?

A:

- Inpatient treatment: Overnight stay in a hospital, hospice, or residential medical care facility (Exs. Inpatient surgery, Hospitalization, Overnight hospital stay for observation).
- Incapacity for more than 3 days and continuing treatment: Incapacity for more than 3 days and either: (a) at least 2 visits to a health care provider within 30 days, OR (b) visit to a health care provider and an ongoing regimen of treatment (Exs. Pneumonia, Migraine, Chicken pox, Mononucleosis, Viral infection)

- **Pregnancy/Prenatal Care:** Incapacity due to pregnancy or prenatal care (Exs. Severe morning sickness, Doctor's appointments for prenatal care including OB-GYN visits, sonograms, visits or treatment for complications of pregnancy, Medically required bed rest)
- **Chronic serious health conditions:** Condition that requires periodic visits for treatment (at least 2/year), continuous over an extended period of time, AND may cause episodic, rather than continuing, incapacity (Exs. Epilepsy, Asthma, Diabetes, Multiple sclerosis, Sickle cell anemia)
- **Permanent/long term incapacity:** Permanent or long-term incapacity, under the supervision of a health care provider (Exs. Cancer, Alzheimer's disease, Stroke, ALS)
- **Multiple treatments:** Treatments for restorative surgery after an accident or injury, OR a condition that would require an absence of more than 3 days if not treated (Exs. Arthritis treatment, Dialysis, Chemotherapy, Radiation therapy, Surgery to reset a broken bone, repair a torn ligament, or treat burn)

Q: Can fathers as well as mothers use FMLA leave after the birth of a child?

A: Yes. A mother can use 12 weeks of FMLA leave for the birth of a child, for prenatal care and incapacity related to pregnancy, and for her own serious health condition following the birth of a child. A father can use FMLA leave for the birth of a child and to care for his spouse who is incapacitated (due to pregnancy or childbirth).

Q: If both parents work for Rolla Public School District, is their FMLA leave affected?

A: Parents who work for the same district are entitled to parenting leave, but the amount of time they get depends on their marital status. If the parents are married, they get a combined 12 weeks of leave in connection with their child's birth, adoption, or foster placement or to care for a seriously ill relative. A woman's leave for her own pregnancy does not count towards this combined 12 weeks, nor does a husband's leave to care for his pregnant wife. If the parents are not married, they each get 12 weeks of parenting leave. However, unlike married couples, they are not entitled to FMLA leave to care for each other when one has a serious medical condition.

Q: How is pregnancy leave different from parenting leave under FMLA?

A: Incapacity due to pregnancy, including leave needed for prenatal care, is considered a serious health condition under the FMLA. In fact, all leave before delivery that a pregnant woman takes because of her pregnancy is leave for a serious medical condition, not parenting leave. Unlike parenting leave, FMLA leave for pregnancy incapacity may be taken on an intermittent or reduced-schedule basis.

Q: How much notice must I give before taking FMLA leave?

A: When the need for leave is foreseeable, you must give at least 30 day notice. If 30 day notice is not possible, you are required to provide notice "as soon as practicable."

Q: What information must I give when providing notice of the need for FMLA leave?

A: Depending on the situation, such information may include that a condition renders you unable to perform the functions of the job; that you are pregnant or have been hospitalized overnight; whether you are or your family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a covered military member is on active duty and that the requested leave is for a qualifying exigency; if the leave is to care for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence if known.

Q: Do I have to give Rolla Public School District my medical records for leave due to a serious health condition?

A: No. You will be required to provide medical certification containing sufficient medical facts to establish that a serious health condition exists. Failure to timely submit a properly requested medical certification (absent sufficient explanation of the delay) may result in the delay or denial of FMLA protection for the leave. If you never provide a medical certification, then the leave is not FMLA leave.

Q: Can Rolla Public School District require me to submit a fitness-for-duty certification before returning to work after being absent due to a serious health condition?

A: Yes. Rolla Public School District may require that the fitness-for-duty certification address your ability to perform the essential functions of the position. If you fail to submit a properly requested fitness-for-duty certification, Rolla Public School District may delay job restoration until you provide the certification. If you never provide the certification, you may be denied reinstatement.

Q: Is my FMLA leave paid?

A: FMLA grants you the right to unpaid leave. However, Rolla Public School District policy is that eligible paid leave will be substituted for FMLA until exhausted or the FMLA leave ends whichever comes first. Substituting paid leave for unpaid FMLA leave means that the two types of leave run concurrently.

Q: Can I be fired from my job for using FMLA leave?

A: No. The law's intent is job protection. However, if your employer can prove that you would have been laid off or dismissed even if you had not taken leave, you can be laid off or dismissed during your leave. You retain the same bumping, transfer, and recall rights that you would have had if you had not taken leave.

Q: Are holidays counted against my FMLA leave?

A: No. Vacation weeks do not count against your 12-week entitlement.

Q: What happens to my medical and dental insurance while I'm on FMLA leave?

A: If you are on FMLA leave, Rolla Public School District must continue your group insurance coverage. You will be responsible for making your contributions during this time.

Q: What are the Military Family Leave Provisions under the Family and Medical Leave Act?

A: The military family leave provisions of the Family and Medical Leave Act (FMLA) allow FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a servicemember with a serious injury or illness if the employee is the servicemember's spouse, son, daughter, parent or next of kin.

Q: How long do I get for a Qualifying Exigency Leave?

A: You receive up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when your spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Q: What constitutes "covered active duty"?

A: For members of the Regular Armed Forces, it means duty during deployment of the member with the Armed Forces to a foreign country; or for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), it means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Q: What are "qualifying exigencies"?

A: Qualifying exigencies include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

Q: What is the "military caregiver leave"?

A: It is 26 workweeks of unpaid, job-protected leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

Q: Who is a "covered servicemember"?

A: A "covered servicemember" is (1) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or (2) a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.

Q: Does being dishonorably discharged affect FMLA eligibility?

A: A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.