

# **A Quick Guide to FMLA**

## **Can I Take a Leave Under FMLA?**

- You are eligible if you have worked for WCSD for 12 months or for an entire school year

AND

- You have worked 1250 hours during the 12 months prior to the start of your leave (if you worked a full ten-month school year without unpaid leave you probably meet this requirement)

AND

- You have worked without interruption (with the exception of recesses) for the 12 calendar months prior to the anticipated start of your FMLA leave

## **What Events Make Me Eligible to Take a Leave Under FMLA?**

- Birth of a child—within 12 months of birth, for purposes of caring for the child
- Adoption of a child—within 12 months of adoption, for purposes of caring for the child
- Your own serious health condition
- A serious health condition of an immediate family member
- Active duty with the military of a spouse, child, or parent
- A serious injury of a spouse, child, or parent during military service

## **What is a Serious Health Condition?**

- Incapacity or treatment connected with inpatient care AND requiring three or more days of absence involving continuing treatment by a health care professional
- Any incapacity due to pregnancy/prenatal care
- Any incapacity due to a chronic serious health condition such as asthma or diabetes
- Permanent incapacity

## **Who is in My Immediate Family?**

- Spouse
- Child under 18
- Parent
- Child 18 or over who is “incapable of self care” because of a mental or physical disability

## **How Much Leave Can I Take?**

- Up to 12 weeks within a 12 month period

OR

- Up to 26 weeks to care for a spouse, child, or parent who is seriously injured during military service

### **What is a Week?**

- Any calendar week not included in a normally scheduled extended school break such as winter break, spring break, or summer
- A week with one or two days off for a holiday still counts

### **When Can I Take Intermittent Leave?**

- If you or a family member has a serious medical condition requiring continued treatment

OR

- If you have a newborn or newly placed child and the employer approves intermittent leave

### **What Are the Limitations and Considerations?**

- If you and your spouse are both employed by the WCSD, you are entitled to a total of 12 weeks for a newborn or newly placed child. *This is the only exception—it does not apply for the illness of a family member or to relatives other than married couples.*
- Your health insurance continues during the leave. You are still required to make the same contributions you do when you are working. If you are receiving the stipend because you do not require health insurance, you will not receive that payment for the time you are off.
- The 12 weeks can be adjusted based on natural breaks in the school year.

### **Can I Get Paid During an FMLA Leave?**

- You can use your sick days if and only if you are medically unable to return to work
- You can use your family days if and only if it is for sickness in the immediate family and/or members of immediate household.

### **What Are My Obligations?**

- 30 days notice to the district when the leave is foreseeable
- Notice to the district as soon as possible if the leave is not foreseeable
- You must provide sufficient information for the employer to understand the FMLA qualifying reasons
- Medical certification may be required
- You may be required to have a doctor certify you are fit to return to duty

### **What Are the District's Obligations?**

- Notify an employee if the district designates a leave as FMLA
- Return employee to original or equivalent job
- The WTA Benefit Trust must continue paying the same portion of insurance