

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)

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 \$500 payment from the WTA Benefit Trust 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