

## FMLA Frequently Asked Questions

### 1. What is FMLA (Family Medical Leave Act)

The Family and Medical Leave Act of 1993, is a United States Labor Law allowing an employee to take unpaid leave due to 1) serious health condition that makes the employee unable to perform his/her job 2) to care for a sick family member 3) to care for a new son or daughter (including by birth, adoption or foster care) and 4) Military need due to spouse, child or parent who **a)** are on active duty or **b)** returning from military duty with a serious injury or illness.

### 2. How do I apply for FMLA leave benefits?

Please contact the FMLA office at **407-317-FMLA**. An employee must provide 30 day notice to take a leave for the birth, adoption, placement in foster care, serious medical condition or Military need due to spouse, child or parent who **a)** are on active duty or **b)** returning from military duty with a serious injury or illness. . If leave is required because of a medical emergency or other unforeseeable event, please notify FMLA office as soon as possible.

- OCPS is required to offer FMLA benefits to all eligible employees.
- Once eligibility is confirmed, more information is mailed to the employee's home.
- Once non-eligibility is confirmed, more information is mailed to their home with a denial letter.

### 3. What are the eligibility requirements for FMLA?

- An employee must have worked for OCPS for at least 12 months.
- An employee must have worked at least 1250 hours over the previous 12 months, from the start date of the leave of absence.
- The reason for the request of FMLA must be a qualifying medical condition.

### 4. What are the qualifying conditions for FMLA?

OCPS is required to offer an eligible employee up to 12 workweeks of unpaid leave during any fiscal year of 7/1 to 6/30 for one of the following reason:

- The birth and care of the newborn child of the employee
- Placement with the employee of a son/daughter for adoption or foster care
- To care for an immediate family member (spouse, child, parent) with a serious medical condition
- To take medical leave when the employee is unable to work because of a serious medical condition of oneself
- Military need due to spouse, child or parent who **a)** are on active duty or **b)** returning from military duty with a serious injury or illness.

❖ ***Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement of the child.***

**5. What is considered a serious medical condition?**

A serious medical condition is an illness, injury, impairment, or physical or mental condition that involves either:

- Any period of incapacity or treatment connected with inpatient care (i.e. , an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity of subsequent treatment in connection with inpatient care; or
- Continuing treatment by a health care provider which includes any period of in capacity (i.e., inability to work, attend school or perform other regular daily activities) due to a health condition, treatment, pregnancy, a chronic medical condition, or a permanent long-term condition.

**6. What if I do not turn in the required Certification of Health Care Provider by the date that is stated in the letter?**

An employee must provide the completed Certification of Health Care Provider by the date stated in the letter or the leave will not be considered for FMLA coverage and the request can be denied. In case of a medical emergency, it may not be practical to provide the documents in a timely manner, you will need to inform the FMLA office of this situation and it will be taken into consideration.

**7. Is the spouse eligible to take 12 weeks of FMLA for the birth of the child along with the mother?**

Spouses employed by the same employer are jointly entitled to a combined total of 12 work-weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

**8. Can FMLA be taken intermittently?**

Employees may take FMLA leave intermittently which means taking leave as needed, or by reducing their normal weekly or daily work schedule.

**9. What happens if I am not eligible for FMLA?**

If it is determined that you are not eligible for FMLA, we will not be able to offer the benefits to you and you will be notified by Insurance Benefits for payment of your medical premium.

❖ ***To find out what your medical premium would be and when the billing cycle will start; please contact the Insurance Department at 407-317-3245.***

**10. What does FMLA cover?**

FMLA protects your medical benefits and your position with OCPS. Orange County Public Schools will continue to pay for the employee health insurance when you are a leave of absence for up to 12 weeks. If leave of absence extends past the 12 weeks covered and approved by FMLA; you will be billed for the cost of continuing your medical insurance through a third party company. Additionally, the employee is entitled to job restoration to the same or a comparable position upon return from the leave.

**11. Will FMLA provide me with some form of compensation while I am out of work?**

To receive compensation while on FMLA, you will be required to use accrued sick leave, personal leave, donated sick leave, sick leave bank (if applicable), or disability (if applicable). If you do not have access to these categories your leave will be without pay.

- ❖ *If you are receiving donated leave time, you must complete the appropriate documentation required by Payroll and submit it to the appropriate persons. (Payroll – (407)317-3260)*
- ❖ *If you are a member/recipient of the Sick Leave Bank you will need to contact Retirement Service to find out what the requirements are for you to take advantages of the services provided for Sick Leave Bank members. (Retirement Services/Sick Leave Bank – (407)317-3227)*

**12. Will my FMLA start once I have exhausted all of my leave time?**

FMLA will start the first day your medical situation started. Annual/Vacation time is the only leave that is not protected under FMLA at this time.

**13. Are Administrators and Managers able to apply for FMLA**

Yes. **ALL** employees that are eligible, are entitled to FMLA protection.

**14. As an employee, am I able to take FMLA to provide care for a family member who is in the military?**

All eligible employees, are entitled to take a leave of absence under FMLA for Military need due to spouse, child or parent who **a)** are on active duty or **b)** returning from military duty with a serious injury or illness. if they have a spouse, parent, son or daughter who has been called or is on active duty in the armed service. The employee must meet the eligibility requirements and experience a qualifying exigency. They are also entitled to a combined 26 weeks of leave in our fiscal year of 7/1 to 6/30.

**15. Who do I contact if I have any questions or concerns regarding FMLA (Family Medical Leave Act)?**

Should you have any questions or concerns regarding FMLA regulations and/or process, please contact the FMLA office at 407-317-FMLA.

Phone: (407)317-FMLA

Fax: (407)317-3276