

FMLA Request Process

Revised 2-25-2020

1. Employee submits *Request for Family/Medical Leave under the FMLA Form* to Administrative Assistant to the Superintendent
2. Employee meets with Superintendent to review process for requesting leave including *Notice of Eligibility and Rights & Responsibilities (FMLA)* document

References - Provide to employee

* Employee Rights and Responsibilities Under the Family and Medical Leave Act by US DOL

Part A – Notice of Eligibility

- 1) Confirm date in which employee notified District in writing of leave with projected start date and reason – Refer to date on the submitted *Request for Family/Medical Leave under the FMLA Form*
- 2) Determine eligibility (this is different than approval)
 - a) Employee has worked for District for at least 12 months (does not need to be consecutive)
 - b) Meet the 1250 hours of service requirement in the 12 months immediately preceding the leave
 - ** Salaried (exempt) employee who is contracted for less than 1250 hours in the 12 months immediately preceding the leave may submit a record of tasks and time worked for each task to his/her supervisor for consideration in determining “hours of service” even though the employee would not have rights to being paid for the time. The supervisor will review and forward his/her approval/disapproval for the tasks and hours submitted to the Superintendent.

Part B – Rights and Responsibilities for Taking FMLA Leave

- 3) Certification of Health Care Provider for Employee’s Serious Health Condition or for Family Member’s Serious Health Condition
 - a) Complete all questions including by Health Care Provider
- 4) If leave does qualify, the following responsibilities will apply:
 - a) Contact payroll manager to make arrangements to continue to make employee’s share of the premium payments on employee’s health insurance to maintain health benefits while on leave.
 - b) Required to use available paid Sick Leave for the period of time approved for the FMLA leave period. If an employee requests additional leave time beyond the 12-week FMLA leave period, all available Personal Leave must be used prior to requesting Unpaid Leave.
 - c) Employee is entitled to return to his/her current position or equivalent position following the conclusion on the approved FMLA leave and is subject to provisions of the current Master Agreement.
 - d) Required to provide District with periodic reports of leave status and intent to return to work as appropriate.
 - e) During FMLA leave, employee is not to participate in any co-curricular or other school-related duties including, but not limited to coaching, advising, supervising, etc.
- 5) If circumstances change and return to work may be earlier, employee must notify district at least two (2) work days prior to the date you intend to report back to work.
- 6) If leave does qualify, the following rights will apply:
 - a) Right for up to 12 work weeks of unpaid leave in a 12-month period calculated as the 12-month period measured forward from the date of your first FMLA leave usage. This includes breaks (i.e.

holidays, non-contracted days, etc.) and summer. 12 workweeks is equivalent to 60 contracted work days.

- b) Right for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. This single 12-month period commenced on _____.
- c) Leave may be taken in periods of whole weeks, single days, hours, down to the smallest increment of time the employer allows for the use of other forms of leave, as long as it is no more than one hour.
- d) Holidays are counted if within a week in which employee takes full week of FMLA leave; however, if holiday is within a week in which an employee is taking less than the full week of "FMLA leave, the holiday is not counted unless employee was scheduled to work on the holiday and used FMLA for that day.
- e) Health benefits must be maintained during any period of unpaid leave under the same conditions as if employee continued to work. ** If employee extends unpaid leave beyond the approved FMLA leave period, the employee will be responsible for paying the district's portion of the employee's health insurance premium cost for that period of time.
- f) Reinstatement to same or equivalent position with same pay, benefits, and terms and conditions of employment upon return from FMLA protected leave. (If leave extends beyond the end of employee's FMLA entitlement, employee does not have return rights under FMLA.)
- g) If employee does not return to work following FMLA leave for reasons other than the continuation, recurrence, or onset of a serious health condition which the employee or a covered servicemember which would entitle the employee to FMLA leave, the employee may be responsible to repay the District for the District's share of the employee's health insurance premiums paid on employee's behalf during FMLA leave.
- h) Right to unpaid FMLA leave if employee does not meet requirements for taking paid leave.
- i) Refer to Article X – Leaves of Absence of the current Master Agreement between ISD 2168 and EM-NRHEG for conditions applicable to Sick, Personal, Vacation, Unpaid and other leave usage.
- j) Applicable conditions for use of paid leave include: _____

- 7) Once Certification is received from employee, employee will be informed within five (5) business days whether leave will be designated as FMLA leave and count towards the employee's FMLA leave entitlement.

3. Superintendent acknowledges request by providing the employee with the following information:

- a. Completed copy of FMLA Notice of Eligibility and Rights & Responsibilities
- b. Provide the Certification of Health Care Provider for Employee's or Family Members Serious Health Condition form if not already provided

4. Employee returns the Certification of Health Care Provider to Superintendent for review.

5. Upon approve, Superintendent provides employee with:

- a. Approved Designation Notice