



## Family Medical Leave Frequently Asked Questions

### **What is the Family Medical Leave Act (FMLA)?**

The Family Medical Leave Act of 1993 protects your job while you take time off work for a serious health condition for you or a family member, for expanding your family, or to care for an eligible military member.

### **Who can use FMLA?**

To be eligible for FMLA, you must have worked for the City for at least 12 months and have worked for at least 1250 hours in the 12 months before you take leave.

### **When can I use FMLA?**

If you are eligible for FMLA, you are allowed 12 weeks of protected leave in a 12-month period. You can use this leave for 1) a serious health condition for yourself or your spouse, child or parent, 2) for the birth of child or for the placement of a child for adoption or foster care, or 3) to care for an eligible military member, which is eligible for 26 weeks of leave in a 12-month period.

### **Is FMLA Paid Leave?**

No. FMLA is unpaid leave. However, if you have sick or annual leave balances and are on FMLA, you have to use that time while you are out, so you would continue to get a paycheck from the City. However, once you have used all of your leave balances, you will no longer receive a paycheck.

### **What happens to my benefits when I am on leave?**

During your approved leave, you still have access to your benefits and you will be considered an active employee for the **first 12 weeks of your approved leave**. However, if you do not have any sick or annual leave balances, you won't be getting a paycheck and you will need to make payment arrangements for benefit deductions with Employee Benefits.

After your first 12 weeks of Family Medical Leave, you will be offered COBRA coverage that will be effective the first of the following month that your approved 12 week leave ends. For example, if your approved 12 weeks of FMLA ends on May 15<sup>th</sup>, then your COBRA coverage will begin on June 1<sup>st</sup>. If you have either sick or annual leave balances, you will continue to pay the same amount of premium that had been deducted from your paycheck to our COBRA vendor, PayFlex.

If after your 12 weeks of approved FMLA you no longer have any sick or annual leave left and you are no longer receiving a paycheck, you will pay the full cost of COBRA coverage.

### **What do I need to do to request FMLA?**

It is your responsibility to request FMLA and to provide the City with appropriate notice. If you know in advance (if you are planning to have surgery or having a baby) you will need FMLA leave, you should give the City 30 days advance notice. If you don't know in advance, you need to let the City know as soon as you can. You do not need to tell your supervisor or payroll clerk your diagnosis, but you do need to provide information indicating your leave is due to an FMLA protected condition.

### **Can I apply to the Sick Leave Bank if I am on FMLA?**

Yes. One requirement to be eligible for leave from the Sick Leave Bank is that you be on approved FMLA.



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### **What do I need to do to request FMLA? (continued)**

The City's policy is to notify Employee Benefits if you will be out 10 or more consecutive days (for your own illness or an illness of a qualifying family member) or if you have been out 10 or more consecutive days (for your own illness or an illness of a qualifying family member). Upon receipt of this notification, Employee Benefits will send you a packet.

### **What paperwork will I receive?**

Once we know you're in need of FMLA, we will send you a packet with the following information:

- Notice of Eligibility and Rights and Responsibilities under FMLA. This form includes your Eligibility requirements and both Employee and Employer Rights and Responsibilities
- Medical Certification form: 4 pages total; Sections 1 & 2 to be completed by you; and Section 3 to be completed in its entirety by your physician
- FMLA Return to Work Release with Physical Job requirements attached:
  - This form, along with the physical requirements must be provided to your physician for completion, certifying that you are able to perform the physical requirements of your job
  - Cannot be completed earlier than 10 days prior to your return to work.
  - Must be returned to Employee Benefits AT LEAST one day prior to your return to work

### **What do I need to turn in?**

You will need to complete the following forms:

- Medical Certification form: 4 pages total; Sections 1 & 2 to be completed by you; and Section 3 to be completed in its entirety by your physician
- FMLA Return to Work Release: Remember this form cannot be completed earlier than 10 days prior to your return to work and must be returned to Employee Benefits AT LEAST one day prior to your return to work

### **What happens if you don't turn in your FMLA paperwork?**

For FMLA to be approved and designated, the forms referenced in this letter need to be completed and returned to Employee Benefits as soon as reasonably possible. Sick leave absences of 10 or more days that are not supported by FMLA documentation will not be approved for sick leave, and such leave usage will be converted to annual leave. If no annual leave is available, such leave usage will be unpaid leave.

### **Do I need to continue communication with Employee Benefits while I am on FMLA?**

Communication with Employee Benefits is very important. Please let us know if your situation changes while you are out.

### **What do I need to do when I am ready to come back to work?**

When you're ready to come back to work, you will need to make sure Employee Benefits has your FMLA Return to Work Release form that was completed by your physician at least one day before you come back to work and cannot be completed more than 10 days prior to your return.

### **What if I am not ready to return to work after the 12 weeks of approved FMLA?**

If you need more leave after your approved 12 weeks of FMLA, it is your responsibility to request additional leave from your Director.