**FAMILY AND MEDICAL LEAVES OF ABSENCE FREQUENTLY ASKED QUESTIONS FOR CERTIFIED STAFF**

**What is FMLA**? FMLA is a federal law that allows staff up to 12 weeks of **unpaid,** protected leave, for specific reasons, in a designated year. The Board of Education’s year is July 1 to June 30.

FMLA leave allows for continuation of health benefits at the same cost share that the employee is currently contributing as an active employee, and job restoration. Per the law, upon return from FMLA, an employee must be restored to the employee’s original job, or to an equivalent job with equivalent pay, benefits and other terms of employment.

**How to I Qualify?** Qualifying for FMLA is in several parts:

1. You must be employed by us for at least 12 months before the need for the leave of absence.
2. Meet the criteria of **working** 1250 hours in the twelve-months (12) previous to the start of the leave.
   1. *How is this calculated? When Personnel is made aware of the need for a leave, reports are run from the Payroll system on the employee, reflecting absences taken and additional time worked in the twelve months previous to the request for the leave.*
   2. *The criteria for FMLA is that the staff member must work – not just be paid for – 1250 hours. Teachers normally work 1348.5 hours in a school year (186 days X 7.25 hours per day). Additional hours worked i.e. curriculum work or presentations that are documented are added to this base number of hours. Absences in the previous 12 months are deducted from this time to come up with actual hours worked in the previous 12 months*. *(We do not deduct absences for Professional Development activities).*
   3. *Should you not qualify for FMLA at this initial review, as the leave date approaches, the Personnel Office will re-evaluate the qualification criteria to determine if the employee’s qualification status has changed.*
3. Reason for the leave must meet FMLA criteria as outlined in the law.
   1. *Incapacity due to pregnancy, prenatal medical care or childbirth;*
   2. *To care for the employee’s newborn child*
   3. *Placement of a child with the employee by adoption or for foster care*
   4. *Care for the employee’s spouse (including same sex marriages), child or parent who has a serious health condition.*
   5. *Care for employee’s own serious health condition that renders the employee unable to perform the functions of his or her positon with a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatments for the same condition.*
   6. *Serious health condition with hospital stay i.e. surgery*
   7. *Care for an injured or ill military service family member.*
   8. *A qualifying exigency arising out of a family member’s military service.*

**How do I request a leave?**

First, an employee does not have to request a FMLA - the Board of Education by law can request information on any absence that is more than three (3) consecutive days to make the determination if it meets FMLA criteria.

Employee who wishes to request a FMLA – the request by law, must be submitted to the Personnel Office **at least** **thirty (30) days before the leave is to commence**, if possible.

In the event that thirty (30) days’ notice is not feasible, i.e. emergency situations, emergency surgery, accidents etc. please submit your request as soon as practicable under the circumstances.

In the case of **maternity**, we request that the Personnel Office be notified 60-90 days in advance of the anticipated commencement of the leave of absence. Documents required for a maternity leave include a physician’s note reflecting the anticipated due date and a letter of leave request outlining the duration of the leave being requested for approval. Note that the Teacher’s contract allows for unpaid **child rearing leave** during the year the child is born or fostered in. **Per contract language, an unpaid child rearing leave must be requested sixty (60) days prior to the anticipated leave commencement**.

For leaves taken because of the **employee’s family member’s serious health condition**, the employee must submit the appropriate Certification of Health Care Provider form for the family member before the leave commences. This form may be obtained from the Personnel Office. If advanced notification is not possible, the medical certification must be provided by the employee within fifteen (15) days of the employer’s request for medical documentation.

Leave needed for **Employee’s own health**: Southington accepts either the Certification of Health Care Provider form or a physician’s note on letterhead outlining the basic diagnosis and the time needed for the leave i.e. “*Scheduled for surgery with an estimated time of recuperation of 6 weeks” or for “maternity with an estimated due date of”.*

**Will I get paid while on leave?**

It is the Board of Educations practice to pay employees using their accrued sick and personal time for the following types of FMLA leaves:

1. *Medically necessary portion of FMLA for maternity and giving birth, based on a physician’s note, is paid using accrued sick and personal time. Once the temporary disability time is determined by the physician, the balance of available FMLA time is unpaid.*

*Examples of timing: for a normal delivery, the most common temporary disability is 6 weeks from date of birth; for a C-Section, the most common temporary disability is 8 weeks from date of birth.*

1. *Any medically necessary absence for the employee is paid using accrued sick and personal time.*
2. *Paternity FMLA leave – may use (3) personal days and family sick days, then unpaid.*
3. *FMLA Leave to care for a family member as defined above – employee may use their accrued personal days and family sick days as defined in the contract, then the leave is unpaid.*
4. *All other FMLA leaves are unpaid.*

**What happens if I run out of paid time?**

If you are on an approved Family and Medical Leave of Absence that is eligible to be paid, and you deplete your accrued sick and personal time, the leave will continue unpaid. You would be contacted by the Benefits Office to make arrangements to pay for your cost share for your health benefits so that they continue uninterrupted.

**What happens if I don’t qualify for FMLA and run out of sick time but need to be out?**

**All** unpaid time out of work must be pre-approved by the Superintendent, through the Personnel Office.

If you do not qualify for FMLA, and need to be out of work for an extended period of time, unpaid, you would need to submit a letter to the Superintendent of Schools through the Personnel Office along with a physician’s note outlining the need for the time out of work and the estimated duration. The leave would be unpaid and your benefits would continue through COBRA. The Benefits Office would work with you on payment of the cost of the health insurance during this type of absence.

**What happens if my FMLA concludes and I still need to be out of work?**

The teachers’ contract allows for additional leave time that must be **pre-approved** by the Superintendent of Schools and the Board of Education. Should you deplete your FMLA and the issue is not resolved, a written request to extend your leave should be submitted to the Personnel Office. If it is a medical issue, a letter is submitted along with an updated physician’s note. Personnel will complete the necessary paperwork to submit the request to the Superintendent for consideration. Once the Superintendent makes a decision, you will be advised by Personnel of the action taken. If you have accrued sick time available, once approved, the leave will continue paid using your accrued time and your benefits will remain intact. If you have depleted your accrued sick and personal time, you would pay COBRA to continue your benefits.