

## FMLA Frequently Asked Questions (FAQs)

### [DP322- Family and Medical Leave Act](#)

#### 1- Why should I apply for FMLA?

The Family and Medical Leave Act (FMLA) provides eligible employees with job protection of up to 12 work weeks of unpaid leave a year and requires benefits to be maintained during the leave as if employees continued to work instead of taking leave. At the end of their FMLA leave, employees are entitled to return to their same or an equivalent job.

#### 2- When should I apply for FMLA?

The District's practice is for employees to apply when missing five (5) days for the same serious medical condition/event--these days *do NOT* have to be consecutive days—or immediately upon hospitalization. If it is for a scheduled event, for example; an upcoming surgery, birth of a child, scheduled treatment, etc., FMLA requires a minimum of 30 days in advance of the absence. An employee may apply much earlier than 30 days to reduce stress, allow time for processing, make arrangements for a substitute, and determine possible payroll and/or insurance arrangements.

For events not scheduled, it is incumbent upon the employee to report the need for leave immediately and request the appropriate documentation. If medically incapacitated, a designated family member may report the absence and assist with obtaining the appropriate medical documentation.

#### 3- How do I apply for FMLA?

Please follow the instructions on the [FMLA Leave Notice Tutorial](#).

#### 4- What is considered a serious medical condition?

Under the FMLA, a serious health condition is an illness, injury, impairment or physical or mental condition that involves *inpatient care* (defined as an overnight stay in a hospital, hospice or residential medical care facility; any overnight admission to such facilities is an automatic trigger for FMLA eligibility) or *continuing treatment* by a health care provider.

#### 5- What is defined as *continuing treatment*?

While the continuing treatment is defined by the doctor; examples include the following:

- Continuing treatment by a health care provider that results in an incapacity (inability to work, attend school or participate in other daily activities) of more than three consecutive calendar days with either two or more in-person visits to the health care provider within 30 days of the date of incapacity, **OR** one in-person visit to the health care provider with a regimen of continuing treatment, such as prescription medication, physical therapy, etc. In either situation, the first visit to the health care provider must occur within seven days of the first date of incapacity.
- Chronic conditions that require periodic visits to a health care provider, continue over an extended period of time and may cause episodic rather than continuing periods of incapacity of more than three days. Examples of chronic conditions include asthma, diabetes and epilepsy.
- Incapacity for pregnancy or prenatal care (any such incapacity is FMLA-protected regardless of the period of incapacity).
- Permanent or long-term conditions such as Alzheimer's, severe stroke or terminal disease. (*Continued on next page*)
- Conditions requiring multiple treatments and recovery from treatments, such as cancer, severe arthritis and kidney disease.
- Treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider.

**6- I need to be absent to care for a family member, who is covered as a qualified family member?**

Covered family members under the Family and Medical Leave Act (FMLA) are the employee's spouse, son, daughter or parent.

- A "spouse" means a husband or wife.
- The term "parent" as "a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when he or she was a minor."
- "Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability."

If you have questions regarding a qualified family member please contact the HR Generalist for additional information.

**7- Who can fill out the FMLA medical certification?**

FMLA specifically defines health care provider as: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; **OR** any other person determined to be *capable of providing health care services*.

Capable of providing health care services include only:

- (1) Podiatrists, dentists, clinical psychologists, optometrists, and *chiropractors (subject to certain stipulations)* authorized to practice in the State and performing within the scope of their practice as defined under State law;
- (2) Nurse practitioners, nurse midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;
- (3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts, under certain stipulations;
- (4) Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
- (5) a health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

**8- I know that FMLA covers maternity leave, what about paternity leave?**

FMLA absolutely allows for paternity leave. Under FMLA, the birth, care and bonding of a child is not limited to one parent—it applies to both. ***If both parents*** work for Jordan School District, *the amount of time for BOTH parents is 12 weeks total. If you are the only parent* working for Jordan School District you *may be eligible for the 12 weeks over the course of a 12 month period.*

**Jordan School District offers paid parental leave.** Please see policy [DP 380-Maternity/Parent Leave](#) for additional details.

**9- What if I have enough paid leave time, do I need to apply for FMLA?**

If you are absent for more than 5 (five) days for the same medical event, or are hospitalized, District employees must apply for FMLA and submit complete and sufficient documentation regardless of how much paid leave time that you have accrued. If you do not apply, you will not have the protections that FMLA affords.

**10- What if I need Sick Bank Days?**

To apply for Sick Bank Days please follow the instructions in the [Sick Bank Request Tutorial](#). Sick Bank request are reviewed once per month during the first week of the month by the respective Sick Bank Review Boards for your employee group- Education Support Professionals and Licensed.

**11- What happens if I run out of my own paid time?**

Please see question 10. Sick Bank is currently the only option for additional paid time.

## 12- What if I just need a day here and there?

There are two types of FMLA leave- continuous and intermittent. Most people are familiar with the traditional **continuous leave**, where an individual is out for a continuous period of time, such as 12 weeks.

**Intermittent leave** is intended for occasional and/or reoccurring absences where you are in and out of the workplace over the course of a period of time, for a qualifying medical event/reason. *Required medical certification must be submitted every six (6) months and reapply for FMLA each contract year in order to keep your absence request and its accompanying protections current.*

## 13- When can I return to work following FMLA leave?

When returning from a medical event, you will be required to submit the Return to Work Release, prior to returning to work. If you come to work without a release having been submitted, you will be asked to leave and return with the completed release. The Return to Work Release **must** be received by the HR Generalist and not any other district employee.

## 14- How do I enter my time?

It is the employee's responsibility to enter time off by the last day of each month. If you have questions the assigned Administrative Assistant or the HR Generalist will be happy to assist employees with your time entry based on the specifics of your situation and leave balances.

Skyward Time Entry Tutorial-Licensed

Skyward Time Entry Tutorial- Education Support Professionals

## 15- Do I enter my absences in Frontline? (LICENSED ONLY)

It depends. If your absence is **less than 10 days in length**, you would be responsible for submitting the request. If your absence is **more than 10 days in length**, you are required to find your long term sub (unless medically incapacitated) but the administrative assistant enters the request and sub assignment in Frontline on your first day of leave.

## 16- Does FMLA apply to caring for a military service member or to deployments?

The FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness.

Please see the [FMLA portion of our leave benefits website](#) for additional information on military caregiver and qualifying exigency leave.

## 17- Are there options if I am not qualified for FMLA leave or if I need to be gone for longer than 3 months?

Below are the links for all leave options as outlined in policy, please click the link to go to that policy.

[Sick Leave- Licensed DP324 NEG](#)

[Sick Leave- Education Support Professionals DP326 NEG](#)

[Annual/Personal Leave- Licensed DP335](#)

[Annual/Personal Leave-Education Support Professionals DP335B](#)

[Bereavement Leave-Licensed DP330 NEG](#)

[Bereavement Leave- Education Support Professionals DP330B NEG](#)

[Vacation-Administrative DP375](#)

[Vacation- 12 month Personnel DP344](#)

[Military Leave-DP334 All Employees](#)

[Maternity/Parent Leave- DP 380 All Employees](#)

[Leave of Absence \(Personal-15 Days\)-Licensed DP337 NEG \(No Pay Days\)](#)

[Leave of Absence \(Personal-15 Days\)-Education Support Professionals DP337B NEG \(No Pay Days\)](#)

[Leave of Absence \(1 Year\)-Licensed DP336 NEG](#)

[Leave of Absence \(1 Year\)-Education Support Professionals DP336B NEG](#)

[Sabbatical Leave- Licensed Only DP333 NEG](#)

[Education Leave- Licensed Only DP332 NEG](#)

**Who do I talk to if I have additional questions?**

The HR Generalist is dedicated to FMLA and other leave questions. Please feel welcome to contact her at (801) 567-8249 with questions or you can email her at [rebecca.eastman@jordandistrict.org](mailto:rebecca.eastman@jordandistrict.org).

**For additional information regarding FMLA leave, please refer to the following link:**

<http://employment.jordandistrict.org/leavebenefits/>