



Facts About Family and Medical Leave Act (FMLA) For Washington County Public Schools Employees

What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA) is federal legislation concerning the amount of job-protected leave employees may take for family and medical reasons. Generally, the law allows eligible employees to take up to twelve weeks of unpaid leave in a defined 12-month period for reasons related to family and medical illness.

What are the qualifying conditions?

- The birth of a child or placement of a child for adoption or foster care within one year of birth or placement;
- A serious health condition for which the employee is unable to work;
- A serious health condition for which the employee needs to care for a spouse, child, or parent;
- Qualifying exigency arising out of the fact that the employee's spouse, child or parent is a covered military member on covered active duty.

Additionally, an employee may request up to twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Who is eligible to use Family and Medical Leave?

To be eligible for FMLA, a WCPS employee must have:

- worked for the Washington County School System for at least twelve months, and;
- worked at least 1,250 hours during the previous twelve months.

How much Family and Medical Leave am I eligible to take?

An employee may be entitled to up to 12 weeks of Family Medical Leave (FML) in a rolling 12-month calendar period. Eligibility is calculated looking at the 12-month period prior to the FML request. Employees must apply for FML if they have missed more than three consecutive work days, even if they have accumulated sick leave to cover the absence.

What if I don't want my time off counted as Family and Medical Leave?

WCPS is required to classify employee time off as FML if the eligibility requirements are met and an employee is taking leave for one of the qualifying conditions.

What if I am off work due to an on-the-job injury?

Employees that are injured at work can have job protection under FMLA. In most cases, the injury is considered a serious health condition for which the employee is unable to work.

How does Family and Medical Leave affect my existing accumulated leave?

Your period of approved FML, for any qualifying condition as listed above, is unpaid leave unless you have accumulated sick leave, annual leave, personal leave, or other paid leave available. After exhausting paid leave, the balance of your approved FML is unpaid.

How do I notify Washington County Public Schools that I need time off from work?

When leave is foreseeable, a 30 day notice prior to request should be given. Employees can electronically request a leave from work longer than three days. Please visit <http://wcpshub.wcps.k12.md.us> from a WCPS computer to start the process. Applying for FMLA is separate from any sick leave bank membership you may have. If you need continued pay after your own sick leave, you must contact your union representative's office for paperwork.

Is medical certification required?

Employees applying for Family and Medical Leave will be required to provide medical certification to support any requests for FML for a serious health condition affecting you or a family member. Additionally, WCPS may require the employee on FML for a personal illness to provide a medical fitness report prior to returning to work. Failure to provide adequate medical certification will result in a denial of reinstatement of employment until such certification is provided by the employee.

Does Family and Medical Leave have to be taken all at once or can it be taken in parts?

Leave can be taken intermittently or on a reduced work schedule for personal illness or to care for the illness of a child, spouse or parent only when certification of medical necessity to do so is provided. Leave for reasons related to the birth or placement of a child for adoption or foster care must be taken all at once.

What about my health benefits while I am on unpaid Family and Medical Leave?

Employees on FML will continue to receive the same insurance benefits as they would if they were working. Employees will be billed for the normal payroll premium deductions to maintain their enrolled insurance benefits. Insurance benefits will continue if premiums are paid. If FML entitlement expires and more leave is requested, employee will be billed 100% of total insurance premium cost to continue insurance benefits.

How do I return to work?

If your leave was due to your own illness, you must provide a physician's note certifying you are permitted to return to work at least 48 hours prior to the date you intend to return. All correspondence can be uploaded to your case at <http://wcpshub.wcps.k12.md.us>. Any work restrictions should be clearly outlined on the note. WCPS will determine if any noted restrictions can be accommodated. Once you are cleared to return to work, you should notify your supervisor.

Where do I find more information about Family and Medical Leave?

The US Department of Labor regulates FMLA. More information about the Act can be found at <https://www.dol.gov/whd/fmla/>.