



Flagler County Schools
Human Resources Department
Family Medical Leave Packet

Please note the following:

- Not all employees are eligible for Family Medical Leave. Eligibility will be determined after you submit your request.
 - FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons.
 - In addition, the new FMLA amendment requires covered employers to provide up to 26 weeks of unpaid, job-protected leave to “eligible” employees for certain needs related to military service.
- Please be sure to include start and end dates – your request can not be processed without both dates - they can be amended as necessary
- Leave forms are required in addition to the Family Medical Leave Request Form.
- Turn in all forms as soon as you know you will be out on leave. If possible, 30 days prior notice is requested.
- Turn all forms in to your School/Dept. Payroll Processor for departmental approval. Submitting them to Human Resources prior to approval will delay processing.

Attention Instructional Staff

Please contact the Payroll Department prior to the start of your leave of absence.

Flagler County School Board Application for Family Medical Leave

___ Original Request

___ Amendment

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. In addition, the new FMLA amendment requires covered employers to provide up to 26 weeks of unpaid, job-protected leave to "eligible" employees for certain needs related to military service.

Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months.

Name of Employee: _____ Center: _____

Social Security Number (last four digits): _____ Please indicate reason for leave:

• **Family Medical Leave (up to 12 weeks) for one of the following reasons (check one):**

- To care for the employee's child after birth, or placement for adoption or foster care.
Doctor's/ Adoption documentation must be submitted.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
Doctor's statement must be submitted.
- For a serious health condition that makes the employee unable to perform the employee's job.
Doctor's statement must be submitted.

• **Military Family Leave (up to 26 weeks) for one of the following reasons (check one):**

- A qualifying exigency for a spouse, son, daughter or parent on active duty or who has been notified of an impending call to active duty status. Up to 12 weeks of leave. *
- To care for a service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty status. Leave available to spouse, son, daughter, parent, or next of kin of a covered service member. Up to combined total of 26 weeks of all types of FML Leave in a single 12 month period.*

*Documentation required for Military leave requests - contact Human Resources for additional information.

Dates Requested: Beginning _____ Ending** _____

****An ending date must be submitted (It can be changed at a later date if necessary).**

Signature of Employee Date

Signature of Principal/Dept Head Date

Signature of Human Resources Director

Date Approved by the Board



Flagler County Schools

Human Resources Department

Certification of Health Care Provider

The following definitions are from the Department of Labor Wage and Hour Division Guidelines. Please use them to indicate the category that the employee qualifies under.

A “**Serious Health Condition**” means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity^{View footnote 2} or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity^{View footnote 2} of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity^{View footnote 2} relating to the same condition), that also involves:

(1) **Treatment** **two or more times** by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**^{View footnote 4} under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

(1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;

(2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and

(3) May cause **episodic** rather than a continuing period of incapacity^{View footnote 2} (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **incapacity**^{View footnote 2} which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, or for a condition that would likely result in a period of incapacity^{View footnote 2} of **more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

^{Footnote 1} Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

^{Footnote 2} “Incapacity,” for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.
^{Footnote 3} Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
^{Footnote 4} A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



NOTICE

Military Family Leave

On January 28, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- (1) New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.

- (2) New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated are available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.





631 Family and Medical Leave

The Board will provide family and family medical leave to qualified employees pursuant to the provisions of the Family and Medical Leave Act (FMLA) of 1993. The rules listed below generally outline the procedures for carrying out said leaves. The rule authorizes the Superintendent to create and carry out all procedures necessary to implement this policy and the Family and Medical Leave Act of 1993.

1. A leave of absence under this policy shall be granted for a total of 12 work weeks during any school year (July-June) for one of the following reasons:
 - a. Birth of a son or daughter of the employee and in order to care for such son or daughter.
 - b. Placement of a son or daughter with the employee for adoption or foster care.
 - c. Care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition.
 - d. A serious health condition that makes the employee unable to perform the functions of the position of such employee, or
 - e. Any qualifying experience that arises because the spouse, son, daughter, or parent of an employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
2. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of twenty-six (26) weeks of leave during a twelve (12) month period to care for the service member. This leave is available only during a single twelve (12) month period.
3. During the single twelve (12) month period described in section II., an eligible employee is entitled to a combined total of twenty-six (26) weeks of leave under the provisions of sections 1. and 2. This does not limit the availability of leave under section I. during any other twelve (12) month period.
4. For purposes of this policy, an "eligible employee" means an employee who has been employed:
 - . For at least twelve months by the Board; and
 - a. For at least 1,250 hours of service with the Board during the previous twelve month period.
5. If both a husband and wife are employed by the School Board and wish to take family medical leave for the reasons outlined in rule number one above, subsections (a) and (b), or to care for a parent with a serious health condition, the aggregate number of work weeks of leave to which both may be entitled is twelve work weeks.
6. Employees who are on a leave granted under this policy who are eligible and receive Board provided group health insurance when actively working for the Board shall maintain this coverage for the duration of such leave. Employees who pay a portion of their premium and who pay for dependent insurance and other types of Board offered insurance coverage must make arrangements before going on leave to make direct premium payments to the Board while on leave. Additionally, the Board may recover its share of



health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under FMLA; or (2) other circumstances beyond the employee's control as determined by the Superintendent or Personnel Director.

7. Employees who wish to take family leave as outlined in rule number one above, subsections (a) and (b), must provide the employer with not less than thirty (30) calendar days written notice, before the date the leave is to begin, except that if the date of the birth or placement requires leave to begin in less than thirty (30) calendar days, the employee shall provide such notice as is practicable.
8. Employees who wish to take family medical leave as outlined in rule number one above, subsections (c) and (d) shall provide the Board with thirty (30) calendar days notice, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable. Employees shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer.
9. FMLA as outlined in rule number one above, subsections (a) and (b) shall not be taken intermittently. The affected employee must take the full twelve weeks of leave provided by law.
10. FMLA as outlined in rule number one above, subsections (c) and (d) may be taken intermittently when medically necessary. Under such circumstances, the employee must try to schedule the leave so as not to unduly disrupt the employer's operations. Also, the Superintendent may place the employee in an alternative position which better accommodates intermittent leave.
11. Leave under FMLA is intended to provide assistance to employees who do not have other leaves available. Therefore, pursuant to the authority granted under said law, employees wishing to take family or family medical leave must first use the following leaves:
 - . Employees must substitute any accrued paid vacation and personal leave for family leave provided for in rule number one above, subsections (a) and (b) for any part of the 12-week leave period.
 - a. Employees must substitute any accrued paid vacation, personal leave, sick leave, disability leave and workers compensation leave for family medical leave as described in rule number one above, subsections (c) and (d). (Note: employees who do not qualify for disability or workers compensation may qualify for family medical leave if they meet the certification requirements listed in rule number 12 below.)
 - b. The Board will not count paid leave which was not for a family medical purpose against the employees' FMLA twelve week leave entitlement.
12. If the requested leave could constitute more than 20 percent of the total number of working days in the period during which leave would extend, the employee may be required to take the leave in a block-not intermittently, for the entire period. (Instructional Employees Only).



13. If the employee's family or family medical leave would terminate within three (3) weeks or less before the end of a semester of school term, the employee may be required to wait until the next semester to return to work.
14. The Board shall require a medical certification from eligible employees who request family medical leave under the FMLA. The form will be provided by the Superintendent and the completed form must be returned within a time frame determined by the Superintendent.
15. Upon return from a FMLA leave, the affected employee is entitled to be restored to the same position that the employee held when the leave started if the position remains available, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, an employee has no right to return to the same position. A medical certification, for personal sickness, is required before an employee may resume work.
16. The employee is not eligible to collect unemployment or any other Government compensation while on leave.
17. The Board authorizes the Superintendent to develop and implement procedures to carry out this policy, the FMLA and applicable U.S. Department of Labor Regulations.

STATUTORY AUTHORITY

1001.41
1012.22
1012.23, F.S.

LAWS IMPLEMENTED

1001.43
1012.66, F.S.
THE FAMILY AND MEDICAL LEAVE ACT OF 1993
PART 825 OF THE CODE OF FEDERAL REGULATIONS
TITLE 29, U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

HISTORY

ADOPTED: May 17, 2005
REVISION DATE(S)
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May 17, 2005
January 20, 2009
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