

Family Medical Leave (FAQs)

What is the Family Medical Leave Act (FMLA)?

- The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:
- 12 work weeks of leave in a 12-month period for:
- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Who is eligible for FMLA?

- To be eligible for FMLA leave, an employee must work for a covered employer and:
- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and,
- work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

What is a serious health condition?

- The most common serious health conditions that qualify for FMLA leave are:
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three (3) consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- conditions requiring an overnight stay in a hospital or other medical care facility;
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

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Can I take leave for my sick family member?

Family members under FMLA include the employee's spouse, son or daughter, and parents, excluding "in laws" of the employee. Children that are 18 years or older are excluded unless they are "incapable of self-care" due to some physical or mental disability that limits one or more of the "major life activities."

What is the maximum leave time allowed under an FMLA leave?

- Employees have 12 weeks of job protected leave.
- TN maternity, prenatal and childbirth are given 4 additional weeks to care for their new addition.
- Family military leave may have as much as 26 weeks.

Is FMLA paid or unpaid leave?

The FMLA leave itself is unpaid. However, Sumner County Schools allows employees to utilize sick; personal; annual leave days while off work.

Will my benefits stay intact?

- You maintain your current insurance during the entire FMLA 12-week period.
- During FMLA leaves of absence, the Board will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premiums (copay). If the employee does not return to work after the expiration of the leave, or is unpaid during any portion of the 12 week leave, the employee will be required to reimburse the Board for payment of health insurance premiums during the FMLA leave, unless the employee does not return because of the presence of a serious health condition which prevents that employee from performing his/her job, or circumstances beyond the control of the employee.
- When you take a leave beyond the FMLA 12-week period or 16-week TN Maternity/FMLA leave period, you will be required to pay 100% of your insurance premiums.

Can I apply for intermittent or reduced schedule leave?

- FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. (CFR Section 203)
- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Only the amount of leave taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave.

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Does Sumner Schools have a paternity leave policy?

- 16 weeks can be taken for birth and bonding purposes.
- Spouses who are employees of Sumner County Schools, are eligible for FMLA leave. Both employees are limited to a combined total of 16 weeks of leave when taking leave for the birth of a child.

Do weekend, breaks (Fall/Winter/Spring), and summer vacation count in the 12 FMLA weeks?

- No. Only work weeks count toward the FMLA 12-week period. A “workweek” must consist of three or more working days.
- FMLA can be used across school years. For example: If your FMLA leave begins in May, and you use six weeks until school closes for the summer, you may resume your FMLA leave to start the new school year for the remaining six weeks.

Can I file Short Term disability with maternity leave?

Yes! Short Term must be elected during open enrollment for you to be eligible.

- Short term pays based on type of birth:
- 4 weeks for vaginal delivery at 60% of your annual salary
- 6 weeks for a cesarean delivery at 60% of your annual salary.
- Long term disability **would not apply** to maternity unless you had a prolonged illness after you delivered the baby.

How do I return to work?

Sumner Schools requires you send a return to work note either with or without restrictions and date you are returning. This note must be received by Sumner Schools before you will be allowed to return to work.

Who do I contact regarding questions for FMLA/Personal Leave of Absence?

HR Department – 615-451-5207