

## Family and Medical Leave Act (FMLA) FAQ

### What is Family and Medical Leave (FML)?

Job protected medical leave of absence for eligible employees.

### Who is eligible for FML?

- Employees of the district who have been employed at least 12 months within the last three years
- Have worked at least 1250 hours in the previous 12-month period from the date the medical leave begins.

### Can an eligible employee take FML to care for a family member?

- Yes, if eligibility is met, an employee may use FML to care for a spouse, child, or parents.
- Employees may also use FML for the birth of a biological child, an adoption, foster care, or a qualifying exigency.

### How much time am I allowed to be off on FML?

- Employees may be out on FML up to 12 weeks, if medically necessary, for themselves, or to care for their spouse, their child, or their parent.
- The employee is expected to return to work upon release from doctor's care. The employee must provide a medical release letter from the attending physician to the Benefits Office before reporting to work.
- When caring for a family member, a medical release is not required to return to work. However, the Benefits Office does need to be notified with as much advance notice as possible and the employee is responsible for informing their supervisor.
- Maternity leave is a two-part FML. The period in which the employee is under doctor's care (typically 6 weeks for normal delivery or 8 weeks for c-section) is the medical FML. Once released from doctor's care, the employee may continue FML for the remaining 12 weeks as baby bonding leave.
- For paternity leave, the employee may take up to 12 weeks of FML for baby bonding.
- **NOTE:** when spouses work for the same employer, FML for child bonding entitlement is 12 weeks combined for both.

### Is FML paid leave?

- No, FML is not paid leave of absence. FML is job protected leave. However, the employee may continue to receive pay if he or she has paid leave (accruals) available.
- If the employee exhausts all paid leave (i.e., local, state, vacation, and wellness), the employee then goes into unpaid status (docked pay).
- Docked pay will be at the employee's daily rate of pay.
- It is important to know that absences are posted a month in arrears. For example, September absences are posted in October's payroll, October absences are posted in November's payroll, and so forth.

### How will my paycheck be impacted when I go out on leave?

- All available leave days will be used at the beginning of leave (accrued state and local).
- After all earned days have been used you will be given a “payoff” check.
- When you return to work, your salary will be recalculated to the new number of days you will work for the remainder of the calendar/contract period.

### If I have questions about my paycheck while on leave who do I contact?

All questions should be directed to Kyle Jackson at 281-891-6097 or [payroll@springisd.org](mailto:payroll@springisd.org).

### What happens to my benefits if I do not receive a paycheck?

- In a case where the dock amount is greater than monthly pay and no paycheck is received, the employee is responsible for paying the benefit premiums.
- You will receive a letter reflecting premiums and any other deductions you will owe.
- Type of payments accepted are a personal check or money order.

### What happens if I decide to resign at the end of my FML period?

- There is a possibility of ending up with an overpayment. If this occurs, the district will make all efforts to collect the overpayment amount, including legal action, as the district may not write off public funds.
- An overpayment may occur when the employee uses accruals beyond what was earned. The district front loads accruals for the year in good faith that the employee will fulfill their work calendar days.

- When the employee resigns before fulfilling their work calendar days, all accruals are prorated based on actual days worked from the first day of work in the school year, to the resignation date.
- Because the employee used all accruals up front, an overpayment may occur after adjusting the accruals.

### **What happens if the district is not able to accommodate my restrictions when returning to work from being out on FML?**

- You will continue to be out until restrictions are lifted, provided that there are remaining leave options, or until restrictions are modified to a reasonable accommodation.

### **What if my medical condition is such that I am not able to return after 12 weeks?**

- You may have Temporary Disability Leave (TDL) allotment remaining, otherwise you may submit a request for Leave as an accommodation for review.

### **What is Temporary Disability Leave (TDL) and who is eligible?**

- Temporary Disability Leave is an unpaid local leave policy; up to 180 calendar days per year.
- Available to SBEC Certified employees only for personal illness
- Provides job protection to full-time educators who cannot work for an extended period because of a mental or physical disability of a temporary nature.
- Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule.
- Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.
- Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return.
- When an employee is ready to return to work, the Office of Human Resources should be notified at least 7 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties.

### **What is Temporary Medical Leave (TML) and who is eligible?**

- Temporary Medical Leave is unpaid local leave policy; up to 90 calendar days per 12-month period.
- Available to full time non-contract employees not eligible for TDL for the period during which the employee is physically unable to perform regular duties due to an illness or disability.
- Temporary medical leave shall be made available only after the employee has exhausted all paid leave benefits, including vacation, local, and state.
- The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return.
- When an employee is ready to return to work, the Office of Human Resources should be notified at least 7 days in advance or as soon as possible. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties.

