

FMLA Fact Sheet

Family Medical Leave Act (FMLA) only applies to employers who meet certain criteria. Public elementary and secondary schools are considered to be **covered employers**, regardless of the number of employees.

Only **eligible employees** are entitled to FMLA leave. Employees must:

- o Work for a covered employer
- o Have worked for the employer for at least 12 months
- o Have at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave

FMLA assumes that teachers work at least 1,250 per year. Eligibility of non-certified staff for FMLA is based upon the number of hours that employee works per year.

Eligible employees may take up to **12 work weeks** of leave in a 12-month period for one or more of the following reasons:

- o The birth of a child or the placement of a child with the employee for adoption or foster care **(FMLA explicitly permits either parent to take up to 12 weeks of leave any time within the first year following the birth or adoption of a child, without requiring any documentation from a physician.)**
- o To care for a spouse, son, daughter or parent who has a serious health condition
- o For a serious health condition that makes the employee unable to perform certain essential functions of his or her job
- o For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member covered on active duty or call to covered active duty status.
- o For a married couple employed by the same employer, the employer can restrict FMLA use to 12 weeks combined, unless the leave is to care for a seriously ill child.

FMLA leave is applied **only during the period in which an employee is scheduled to work**. Winter break, spring break, summer break and weekend are not scheduled work days for the majority of educational employees, and therefore should not be included in the leave.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

The employer is allowed to require an employee to use accumulated sick leave (or sick leave bank) concurrently with FMLA leave. Sick leave and/or sick leave bank days cannot be used to extend the period of FMLA leave.

Employers are required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.

Employees who wish to use FMLA leave should contact Becky Dill at PSAC for the required paperwork.