

(Q) What does the Family and Medical Leave Act (FMLA) provide?

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

(Q) Who can take FMLA leave?

In order to be eligible to take leave under the FMLA, an employee must:

- x have worked 1,250 hours during the 12 months prior to the start of leave (includes only those hours actually worked. Paid & Unpaid Leave, Including FMLA leave, are not included;
- x have worked for the employer for 12 months

(Q) How do I request a leave under FMLA ?

When requesting leave under the Family and Medical Leave Act (FMLA), an employee must notify his or her principal or immediate supervisor and follow leave instructions outlined on the following link: <https://www.fwisd.org/Page/8035>.

(Q) When do I need to tell my employer if I plan to take FMLA leave?

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.

(Q) Am I required to prove that I have a serious health condition?

Yes, employees seeking to use FMLA leave are required to submit a Medical Certification issued by a health care provider within 15 calendar days to prove the need for leave for a serious health condition of the employee or the employee's immediate family member.

(Q) What happens if my employer says my medical certification is incomplete?

The employee must submit complete and sufficient certification within 7 calendar days to cure the deficiency. If an employee does not provide either a complete and sufficient certification, the employee's request for FMLA leave may be denied.

(Q) What happens if I do not submit a requested medical or fitness -for-duty certification?

If the employee fails to timely submit a properly requested medical certification, FMLA protection for the leave may be delayed or denied. If the employee never provides a medical certification, then the leave is not FMLA leave.

If an employee fails to submit a properly requested fitness-for-duty certification, the employer may delay job restoration until the employee provides the certification. If the employee never provides the certification, he or she may be denied reinstatement.

(Q) Is an employee required to follow an employer's normal call -in procedures when taking FMLA leave?

Yes, all District employees taking FMLA Leave must use the automated absence reporting system to report all absences as soon as the need for the absence is known. Click on the following link: <https://fortworth.eschoolsolutions.com/logOnInitAction.do> or call 817-814-2786 for assistance.

(Q) Is my employer required to pay me when I take FMLA leave?

The FMLA is unpaid leave. However, the law permits the employer to require the employee, to use accrued paid vacation leave, paid sick or family leave for some or all of the FMLA leave period. An employee must follow the employer's normal leave rules in order to substitute paid leave. When paid leave is used for an FMLA-covered reason, the leave is FMLA-protected. The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved scheduled PTO absence for which the employee did not obtain approval from an authorized supervisor, or absences beyond accumulated and available paid leave, shall result in deductions from the employee's pay

(Q) When can an eligible employee use FMLA leave?

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid, job -protected leave in a 12-month period for one or more of the following reasons:

- x for the birth of a son or daughter, and to bond with the newborn child;
- x for the placement with the employee of a child for adoption or foster care, and to bond with that child; The District shall grant a leave of absence to any District employee (other than a substitute or temporary employee) who suffers a disability caused by pregnancy or childbirth or who adopts and cares for a child up to two years of age.
- x to care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition;
- x to take medical leave when the employee is unable to work because of a serious health condition; or
- x for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.



If an employee fails to submit a properly requested fitness-for-duty certification, the employer may delay job restoration until the employee provides the certification. If the employee never provides the certification, he or she may be denied reinstatement.

(Q) What is Bereavement Leave?

“Bereavement leave” shall be given to all District employees, other than substitute or temporary employees, in the event of the death of a member of the employee’s immediate family. An employee may choose to begin the two paid workdays of bereavement leave on the day a death occurs or on any day thereafter, up to and including the day of the funeral. The employee may use up to five workdays per occurrence; however, only two of those workdays will be permitted at no loss of accumulated leave. If an employee has no available paid leave at the time of a death in the employee’s immediate family, the District will grant the employee a maximum of three additional days of bereavement leave for which the District will deduct the daily rate of an appropriate substitute, whether or not a substitute is employed. Appropriate documentation must be provided for all bereavement leave. The documentation must establish the relationship between the employee and the deceased and will be kept on file by the principal or designee or immediate supervisor or designee, with a copy sent to the payroll office.

(Q) What is the term immediate family ?

The term “immediate family” is defined as: 1. Spouse. 2. Son or daughter, including a biological, adopted, or foster child, a current son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis. 3. Parent, stepparent, current parent-in-law, or other individual who stands in loco parentis to the employee. 4. Sibling, stepsibling, and sibling-in-law. 5. Grandparent, grandchild, and spouse’s grandparent.