

## Leave of Absence - Frequently Asked Questions

### ***What paperwork is required for a Leave of Absence?***

Per Board Policy, any absence that extends more than 5 consecutive days requires a doctor's certification supporting the employee's inability to work or for leave to care for a family member. This request and certification from the doctor is required in order to be granted the use of sick days. *In addition*, if you have an illness or a family member that requires intermittent absences, this also requires a doctor's certification to be submitted for review of FMLA protection.

Under these circumstances, employees are required to follow the Leave of Absence process:

1. Complete the Leave Request form and provide to your supervisor for acknowledgement and signature
2. Have the doctor complete the appropriate certification form:
  - o For employee illness - "Certification of the Healthcare Provider for Employee"
  - o For family member illness - "Certification of the Healthcare Provider for Family Member"
3. Send the request for leave and the doctor's certification form to the Leave Administrator. You are not required to provide medical certification directly to your supervisor but it must be provided to the Leave Administrator in order to review eligibility under FMLA and be granted the use of sick days.

### ***Which employees are "eligible" to take leave under FMLA?***

For your Leave of Absence to qualify under FMLA (The Family and Medical Leave Act of 1993), you must have worked for Greenville County Schools for at least one year and you must have worked at least 1,250 hours in the 12 month period prior to the start of the leave.

### ***Under what circumstances may I be granted FMLA leave?***

You are entitled to FMLA leave for the following reasons:

- Birth of a child and to care for the newborn or placement of a child for adoption or foster care
- Care for a seriously ill parent, spouse, or child
- When your own serious health condition causes you to be unable to work
- Certain military situations (called to active duty for you or family member, injury during active duty)

### ***How much FMLA leave am I entitled to?***

Eligible employees are entitled to 12 work weeks of leave during any 12-month period. FMLA is calculated on a rolling 12-month period. If your leave starts on January 1, 2014 then you are eligible for 12 weeks of leave from January 1, 2014 through December 31, 2014.

### ***Are husbands entitled to FMLA leave for the birth of their child?***

Yes, the law is gender-neutral. Both women and men are entitled to take FMLA if otherwise eligible. However, if both spouses work for Greenville County Schools the law provides for a combined total of 12 weeks for the birth of a child or care for a seriously ill family member. You are entitled to 12 weeks apiece to care for your spouse or child who is seriously ill, or for your own serious illness.

Example: Both Mary and Bob work for GCS. Mary gives birth to a child and takes 8 weeks of FMLA leave. Bob is entitled to 4 weeks of family leave to care for the newborn child.

### ***Is FMLA leave - paid or unpaid?***

It depends on whether or not you have an available balance of sick leave and/or vacation days. If you do, then that paid sick time runs concurrent with your FMLA leave. Once sick leave days and vacation days exhaust, the remainder of your FMLA leave would be without pay. If you are eligible for vacation days, the use of accrued vacation is required after sick days have exhausted and this time also runs concurrent with your FMLA. Note: Sick leave can only be used for your illness or doctor's appointment, or serious illness of a family member while under doctor's care.

Example 1: An employee gives birth to a baby and her doctor says she is unable to work for six weeks after the delivery. That six week period of time would be paid as sick leave (**if 6 weeks of sick leave is available**). However, if the employee elected to take their additional 6 weeks of FMLA that time would be unpaid.

Example 2: An FMLA eligible employee must go on leave 10 weeks prior to the birth of her baby due to complications with the pregnancy. Those 10 weeks count toward the FMLA period and are paid (**if the employee has 10 weeks of sick leave available**.) When the baby is born the doctor states the employee can return to work eight weeks after delivery. The first two weeks would be

FMLA (FMLA is maximum of 12 weeks) and paid (if the employee has sick leave available.) The employee would not be eligible for any additional FMLA protection.

(The 12 week FMLA period does not begin at the date of birth but when the leave begins.) In this case the employee would need to apply for a medical leave extension. If the employee has available sick leave, it can be used for any period of time in which the doctor states the employee is unable to work.

Example 3: A male employee's wife has a baby on January 15<sup>th</sup>. The father would be eligible for 12 weeks of FMLA leave. The only portion of that leave time that could be paid as sick leave would be the actual birth date of the child, or any time that the mother or child were seriously ill (with appropriate documentation.) The "bonding" time after the birth would qualify under FMLA but would be unpaid.

***What if I need to take FMLA leave, but only for 2 weeks, not 12 weeks?***

You may request FMLA leave for any period less than, and up to, 12 weeks.

***Does FMLA leave have to be taken all at once, or can it be taken in parts?***

You may take FMLA leave in parts, or "intermittently," for the care of a seriously ill "qualifying" family member or to care for your own serious illness when "medically necessary."

If possible, this time should be scheduled in advance. Work schedules may dictate the number of hours in a day that can be scheduled for "intermittent" absences. **(For example, teachers must schedule either half or full days for substitute coverage.)**

Example 1: An employee has had surgery for cancer. They used 4 weeks of their FMLA leave for the surgery and recovery. The employee has been able to return to work but is scheduled for chemotherapy treatments one day per month. The days for those treatments are covered under FMLA and count toward the 12 week maximum in a rolling twelve month period.

***How much notice do I give for an FMLA leave of absence?***

When the necessity for leave is foreseeable due to the expected birth or placement of a child, or planned medical treatment, you should provide at least 30 days notice. In cases where you cannot provide 30 days advance notice, such as a premature birth or a medical emergency, you must give notice as soon as practical, **usually within one or two days**. A family member may provide notice if you are unable to do so.

***Do I have to provide a doctor's statement?***

Yes, you will be required to provide the required doctor's certification completed by your doctor for any absence that is five days or longer.

***What happens to my medical insurance while I'm on leave?***

You may continue your medical and other insurances while you are on leave by continuing to pay your portion of the premiums. If you are receiving sick leave, appropriate deductions will be taken. If you have exhausted your sick leave, OR if your FMLA time is unpaid, you will be responsible for payment of your insurance premiums. You should contact the Benefits Department at 355-0960 to make arrangements to pay your premiums.

***What happens to my other employment benefits while I'm on FMLA leave?***

No, employment benefits that accrued before the date leave began will be affected if you are on approved FMLA leave.

***What happens when my leave is completed and I'm ready to return to work?***

You must complete the Return to Work Form and attach documentation from your doctor releasing you to return to work. If there is a restriction, reduced schedule or a need for assistance of any type in order to return to work, this documentation from the doctor is required to be submitted to Human Resources Leave Administrator, two days prior to the scheduled return to work date, so that HR can review prior to returning to work.

Completing the Return to Work form (RTW) is necessary as notification to return employees to active pay.

If your leave was eligible under FLMA, upon your return from leave you are entitled to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent pay and benefits. During the time you are on leave, your department may need to fill your position on a temporary basis, or restructure your work. That is why it is important that you provide as much advance notice as possible to your supervisor when you are ready to return to work.

If your leave did not qualify under FMLA, your position may be filled during your absence.

***What happens if I am ready to return from a Leave of Absence and my doctor has restricted the work I can do?***

You must complete the Return to Work Form and attach documentation from your doctor which states the restrictions that apply to your return to work. This information should be shared with your supervisor as soon as possible but always before your return to work. Your supervisor will review the restrictions with Human Resources and a decision will be made as to whether the district will be able to accommodate the restrictions and allow you to return to work. If the restrictions cannot be accommodated, you will remain on leave.

***What happens if my leave is going to extend beyond 12 weeks?***

We encourage all employees whose leaves may extend beyond 12 weeks to contact the Benefits Department to determine what benefits they may be eligible for while disabled.

You should discuss with them options available under Short Term Disability, Long Term Disability, and State Disability Retirement. The sooner you contact Benefits to obtain a packet with the appropriate paperwork, the sooner you can determine eligibility for these plans.

***How many days do I have to work in a year to receive credit for my South Carolina teaching certificate or for service for state bus driver compensation?***

You must be paid for 152 days in order to receive a year of credit. These days include actual days worked and sick days that are paid.

***I purchased Short Term Disability Insurance. How do I apply for these benefits?***

If you elected coverage under a Short Term Disability Plan you should contact Ward Services at 1-800-673-6472 to obtain the claim packet.

***I purchased Salary Continuation coverage at my school. (Available only to salaried employees) How do I apply for these benefits?***

FAQ sheet should be available at each location otherwise you may email [salarycontinuation@yahoo.com](mailto:salarycontinuation@yahoo.com) to request one or call 423-3982.

***What is Parental Leave and how do I apply?***

Board Policy GBRIC outlines provisions of Parental Leave:

<http://www.boarddocs.com/sc/greenville/Board.nsf/goto?open&id=876KM679D71F#>

Employees who become parents, through birth or adoption, shall be eligible for a parental leave immediately following the birth or adoption without pay for one academic year and/or a portion thereof. This leave is unpaid. Parental leave must be requested at the time the employee takes FMLA leave for the birth of the child. (Exceptions apply for premature births or certain adoption provisions.)

To facilitate planning, the date for returning from Parental leave must be agreed upon before the leave begins. Normally, this date will coincide with the start of a school semester.

When the parental leave expires, the employee will be assigned to the first vacant position for which he/she is qualified. Employees on parental leave are not guaranteed any specific position upon their return.

Employees on parental leave may continue group medical insurance during their leave, but they must pay the employee portion of their insurance premiums. Employees should contact the benefits department to make arrangements for paying monthly premiums. The employee's benefits can be terminated if premiums are not paid.

***Are there provisions of FMLA that apply to military service?***

Yes, you may be eligible for FMLA if your family member is called to active duty. You must complete the Certification for Qualifying Exigency for Military Leave and submit with your request for a Leave of Absence.

***Are there provisions of FMLA that apply if a member of my family is injured during military service?***

Yes, you may be eligible for FMLA if your family member is injured while on active duty. You must complete the Certification for serious injury or illness of covered Service member for Military Family Leave.