



FREQUENTLY ASKED QUESTIONS

The following questions and answers are provided only as a guide and are not intended to be definitive on FMLA or district policy.

What is FMLA?

The Family and Medical Leave Act of 1993 (FMLA) provides up to 12 work weeks of leave to eligible employees for certain family and medical reasons. The purpose of the leave is to help eligible employees balance work and family obligations while providing an element of job security during the leave period.

What are the eligibility requirements?

All employees have to:

- Work for the district for at least 12 months; and
- At least 1,250 hours actually worked for the district in the year preceding the FMLA absence. (Paid time away from work does not count as part of the 1,250 hours.)
- Full-time certified staff of the district will meet the 1,250 hour test after one year on contract.

Are part time and hourly employee's eligible?

They are eligible to apply for FMLA *if* they meet the criteria listed above.

What option would be available if an employee is not eligible for FMLA and needs to take time off for a birth or serious health condition?

The employee, if not eligible for FMLA, could request a Leave of Absence.

What are the reasons for taking FMLA?

- The birth of a son or daughter of the employee and in order to care for such son or daughter.
- The placement of a son or daughter of the employee for adoption.
- To care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of the position of such employee.
- A qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation
- To care for a spouse, son, daughter, parent or employee is next of kin to an eligible "covered servicemember" of the Armed Forces undergoing medical treatment, recuperation, or therapy or is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness .

How much notice does an employee need to give for FMLA leave?

Notice of 30 day is required if the absence is foreseeable. If not foreseeable, contact the supervisor as soon as possible

What is considered a serious health condition under the FMLA?

Under FMLA a serious health condition needs to meet the following criteria:

- Being absent more than three consecutive days for a serious health condition and receiving treatment for the incapacity for yourself, your spouse, your children or your parents for one or more of the following:
- Two or more visits to a medical provider for the condition; or
- One visit to a medical provider resulting in a continuing regimen of treatments; or Requiring an overnight stay in a hospital; or
- A chronic health condition requiring periodic visits to a health care provider over an extended period of time.

What is a rolling calendar?

The district uses a rolling calendar to determine if an employee is eligible for FMLA. A rolling calendar is defined by the FMLA Regulations 29 CFR 825.200 (b)(4) as follows: A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

Using this method, the “rolling” 12-month period, each time the employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning November 1, 2005, four weeks beginning February 1, 2006 and four weeks beginning April 1, 2006, the employee would begin to accrue FMLA back into their bucket, so to speak. By February 1, 2007, the employee would have earned back four weeks of FMLA.

How is FMLA time paid?

During the FMLA absence, the employee is required to use any accrued leave available, to keep the employee in a paid status as long as possible.

May an employee choose which accrued paid time off to use during the FMLA?

Yes, the employee may choose which accrued time is used first, second, etc. District time off policies still apply. Supervisors should be consulted regarding time off usage.

What happens if an employee runs out of paid leave during an FMLA absence?

If all paid leave is exhausted, the employee still has the FMLA job and benefit protection while in a non-paid status during the remainder of the FMLA leave entitlement.

Can I use the sick bank with FMLA?

Yes. If you are out for a serious health condition under FMLA, you may qualify for a sick bank grant. If you are a member of the Sick Bank you must exhaust all paid leave, take 5 days of chargeable leave and then, if a sick bank grant is approved, you would be paid for the length of time the grant was made.

I'm on a contract with the district; please explain why I need to do this.

Although teachers are on contracts with the district, contracts do not supersede federal law. FMLA is a job protection for employees taking leave for a qualifying event. FMLA protects the employee's benefit status as well.

Is there any paperwork that needs to be filled out for FMLA?

An FMLA Request Packet will need to be completed by the employee or their representative.

Where do I find the forms?

All forms are located on this site.

Is medical certification required?

Medical certification for any FMLA event is required. An employee should take the medical certification form to their health care provider to be completed. Fifteen calendar days are allowed for the return of the medical certification to the Employment and Benefits Analyst.

May the district request re-certification of a serious health condition?

The district may request re-certification from the employee every 30 days, or if the condition of the employee seems to have changed from the original medical statement. The purpose is to reassess or reconfirm, by the health care provider, the FMLA need.

May an employee be absent for more than one FMLA condition at a time?

Yes, an employee may apply to be off for multiple FMLA conditions at a time. However, 12 weeks is the maximum allowed during the rolling year for any and all FMLA absences. If an employee and spouse both work for the District they may only have a combined 12 work weeks of FMLA in a 12 month period or combined 26 work weeks for a "covered servicemember" FMLA leave.

Does a new FMLA application need to be filled out for each FMLA condition?

A new application is generally required for each FMLA qualifying condition, as well as medical certification.

Is FMLA paperwork and information kept confidential?

All FMLA information and paperwork is kept confidential and separate from an employee's personnel file. Only the employee may choose to share the information with coworkers.

May an employee use FMLA on an intermittent basis?

An employee may apply for intermittent FMLA leave. Such leave can only be granted for such reasons as chronic serious health conditions or ongoing treatment of a serious health condition.

Can work schedule issues or assignment to alternative positions be considered in the request for intermittent FMLA leave?

The district may request that an employee (if possible) set doctor appointments and treatments around the normal work hours. An employee temporarily assigned to an alternative position during intermittent FMLA leave must receive the same pay and benefits.

What happens at the end of an FMLA?

The employee on FMLA leave for his/her own serious health condition is asked to provide a Return to Work Certification from their medical provider, prior to returning to work.

What happens to benefits during an FMLA leave?

Health, vision and dental coverage will continue through the district during an FMLA absence for the employee. If the employee is in a paid status the employee's portion and the dependent's coverage will continue to be deducted from each pay check. If the employee is in a non-paid status, the employee will need to pay the district each pay day for their portion of the premiums as well as their dependents premiums.

What if I'm out for maternity leave and my spouse works for the district can we both be off work?

Employees who both work for the school district may take a combined 12 weeks of FMLA leave for the birth of a child or placement of a child for adoption. For example, one spouse can take 6 weeks and the other 6 weeks of leave for a combined leave of 12 weeks. However, the employee might not be eligible to use paid sick leave during the combined 12 weeks of FMLA. Please call the Employment and Benefits Analyst for more information, 854-4080.

What happens if I need to go out on maternity early due to bed rest?

If an employee goes out early due to their "serious health condition", FMLA starts the first day they are out. The employee must notify the Employment and Benefits Analyst they are out for their condition

What happens to my benefits if I run out of paid leave?

If you are protected under FMLA, your benefits would continue to be paid by the district. If you are in a non-paid status and you have any dependents covered under your insurance plans, you would need to pay the premiums by check to the district for your paid portion of the premiums as well as your dependents as the district does not cover employee paid premiums or dependents during FMLA while an employee is in a non-paid status. If you are not protected by FMLA, you would need to pay your benefits and any dependent benefits under COBRA. All non paid leave of absences must be applied for and approved every 30 days

What if I need to continue being off work after the FMLA period expires?

You would need to request a Leave of Absence for the duration of the time you need off due to a medical condition if you have exhausted all available leave.

Will my pay and benefits continue over the summer?

If you are in a paid status, you and your dependents benefits would be continued during the summer months.

Based upon FMLA Federal Regulations, if an employee under FMLA ends the school year in a non-paid status, they will have their earned pay recalculated and pay and benefits will be continued through the summer months. If the employee's pay is at a point where dependent

premiums cannot be withheld from their pay check, the employee will need to write a check to the district for those premiums at the current dependent premium rate
If you are in a Non-paid, Non-FMLA Status

If the employee is in a non-paid status the majority of the month previous to the end of the employee's work schedule, and not protected by FMLA, the employee will be paid off and their pay and benefits will cease during the summer months. They will be allowed to continue benefits under COBRA. To begin district coverage again in the fall, the employee must re-enroll in the district's group insurance plans at the beginning of the new school year.

Can I utilize FMLA and all of my front-loaded sick leave and personal leave at the beginning of the school year?

If an employee has not exhausted all of their FMLA in the past 12 months, they may be eligible to resume FMLA at the beginning of the school year for a qualifying serious health condition. You will need to provide medical certification from your health care provider indicating the specific medical condition you or a family member has in order to use paid sick leave. Sick leave is earned every month that the employee is in a paid status. You will lose one day of sick leave for each month you are in a non-paid status for the majority of the month.

Does the Boise School District have a "Maternity Leave Policy"?

The district does not provide a Maternity Leave Policy per se, but the district is in compliance with the Family and Medical Leave Act of 1993 (FMLA). Under FMLA, eligible employees may use sick, personal, and sick bank (per approval of the Sick Bank Committee) for the employee during a medically certified incapacity prior or subsequent to the delivery of a child. Please note that sick bank grants will not be approved following the conclusion of a physician's recommended post partum recovery period.

What is Family and Medical Leave?

The Family and Medical Leave Act of 1993, or "FMLA", is federal law that requires employers to allow qualified employees with a "serious health condition" who qualify, up to 12 weeks of unpaid, job-protected leave with benefits. Pregnancy is considered a "serious

health condition" and qualifies for Family and Medical Leave. Family and Medical Leave is an altogether separate leave, but the district's policy is to run FMLA concurrently with other paid leaves. Available paid leave may be authorized as long as the employee's medical provider can certify a "serious health condition" of the employee or the employee's child. Therefore, when an employee qualifies for sick leave due to a pregnancy or any serious health condition, the district considers that sick leave as "FMLA leave" as well. During FMLA, employers are required to provide their share of the employee's personal health benefits (medical, dental, and vision). However, the law does not require employers to pay the employee's salary or dependent benefits. Employees in a non-paid status must self-pay monthly to continue dependents' benefits and employee paid premiums.

What if I do not return after the FMLA period?

If an employee does not return after the FMLA period, the district has the right to recapture from the employee any premiums paid for the employee during any period of unpaid FMLA (any time during the FMLA period in which the employee had no sick, personal, vacation leave, or sick bank pay to be paid out).

What if my FMLA period ends and/or I want more time off work to care for my newborn?

Eligible certified employees may apply for unpaid Parental Leave (see Article XII, F. Master Contract) if they want to spend more time with their new born, adopted child or for child rearing purposes. Accrued sick leave may only be used for the care of yourself or an immediate family member due to illness or disability (see Article XII, A. 5 Master Contract; State Statute 33-1216; PERSI Rule 576, 03 and 04, or Classified Employee Handbook). The Sick Leave Bank may be accessed if the employee is ill, but not for well-baby care, child care, or for the illness or disability of a family member (see Article XII, D. Master Contract, or the Classified Employee Handbook). Employees who have exhausted their sick leave prior to the end of the FMLA may continue their FMLA leave in a Non-Paid status. Employees on a Non-Paid Leave of Absence after the Family and Medical Leave period has ended may continue their benefits through COBRA, but are responsible for the full premium payments on a timely basis. All Non-Paid Leave of Absences must be applied for and approved every 30 days. See the district's FMLA Response Letter for details.

I am a member of the certified or classified sick bank. How do I apply for a sick bank grant?

CERTIFIED EMPLOYEES In order for a certified employee to be eligible to apply for a sick bank grant from the Certified Sick Leave Bank, the employee must be a member of the bank; exhaust all sick, personal leave, vacation leave (if applicable) and have his or her paycheck reduced by 5 days of pay at the substitute's rate (currently \$75.00/day). The employee must also submit a written request with a physician's note indicating the estimated recovery period and reason for leave to the Sick Leave Bank Committee, c/o Employment and Benefits, at the District Services Center at 8169 West Victory Road, Boise, ID 83709. For more information in regard to sick bank grants, please refer to the Master Contract. The Sick Bank Request packet is located at: <http://www.boiseschools.org/benefits/leave/forms.html>

CLASSIFIED EMPLOYEES In order for a classified employee to be eligible to apply for a sick bank grant from the Classified Sick Bank, the employee must be a contributor to the bank; exhaust all sick, personal, and vacation leave (if applicable), followed by five consecutive working days without pay. The employee must also submit a written request with a physician's note indicating the estimated recovery period to the Sick Leave Bank Committee, c/o Employment and Benefits, at the District Services Center at 8169 West Victory Road, Boise, ID 83709. For more information in regard to sick bank grants, please refer to the Classified Employee Handbook. The Sick Bank Request form is located at: <http://www.boiseschools.org/benefits/leave/forms.html>

How much of my sick leave can I use for having my baby?

Generally paid sick leave may be used for up to six weeks for a normal delivery and eight weeks for a C-section. An employee may use the balance of his or her personally

accumulated sick and personal leave for an employee's illness, the care of an ill child or an ill family member. However, please note that upon retirement, accrued sick leave is converted into funds that help pay your health insurance premiums.

What if I do not have any sick leave and am not a sick leave bank member?

If a doctor prescribes six weeks of recovery time following the birth of the baby, the six weeks would be unpaid FMLA leave.

What if my doctor prescribes bed rest prior to delivery?

Doctor-prescribed bed rest is eligible for sick leave and would also be considered Family and Medical Leave. A medical statement from your doctor would be required detailing reason for request.

How long do I have after the birth of my baby to complete and submit the insurance paperwork to cover my newborn?

Health - Assuming you are a plan member, under the Newborn Protection Act, employees have 60 days from the date of birth to submit paperwork to cover a newborn on their medical insurance. However, the earlier we receive the enrollment form to add a newborn, the more quickly Regence Blue Shield is able to process any newborn bills. Remember: If an employee fails to add the employee's baby to his or her medical plan within 60 days after the birth of their child, the baby will not be covered at all by the District Plan.

Dental and Vision - Employees may add dependents to their dental and vision plans prior to the child's third birthday, please note that the child must be a participant prior to his or her third birthday. Should the employee fail to cover his or her child by the third birthday, there will be no opportunity to add the child at a later date, barring a qualifying change of status. Email: benefits@boiseschools.org for Insurance Enrollment Forms.

Do medical leaves of absence need to be approved?

.Yes. Paid medical leaves of absence must be approved by the employee's Site Supervisor. Non-paid medical leaves of absence must be approved by the Site Supervisor, Area Director and the School Board. Classified Employees must have Non-Paid Leave of Absences applied for and approved every 30 days

If the employee's leave of absence is due to a medical condition for themselves or a family member, the employee must provide a medical certification from the health care provider. The form for this can be located with forms section of this website. For more information on leave of absences specific to certified or classified staff, please refer to this website.

Are non-paid leaves of absence granted?

CLASSIFIED EMPLOYEES In extenuating circumstances, full-time, classified employees may request a non-paid leave of absence providing they have exhausted all available leaves. Requests for leave will be considered on an individual basis, taking into consideration the employee's position as it relates to work responsibility and alternatives available for covering the position during the requested period of absence. Employees returning from an approved

non-paid leave of absence are not guaranteed the same position, pay grade, work schedule, work hours, benefits, or location upon return to work. Leave requests are approved by the employee's Site Supervisor, Area Director and the School Board. All non paid leave of absences must be applied for and approved every 30 days. Please see this website for the appropriate Paid/Non-Paid Leave of Absence Form.

CERTIFIED EMPLOYEES Certified staff; please refer to the Master Contract regarding leaves of absence.

What happens to my benefits while I'm on a leave of absence?

During a period of authorized paid leave of absence, the employee's pay and benefits would continue.

Employees on a non-paid leave of absence not protected under the Family and Medical Leave Act may continue group health insurance for themselves and their dependents through the

Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation coverage. During a period of authorized non-paid leave, no PERSI, Sick, Vacation service credits accrue to the employee. Keep in mind, if you choose not to keep the Delta Dental coverage, if you return to the district's plan, your service credit reverts back to 70% if you are using a non-PPO dentist.

Employees may discontinue group health benefits during a non-paid leave of absence, however, only employees who continue benefits through COBRA are eligible to have group health dependent premiums deducted on a pre-tax basis upon return to paid status for the duration of the plan year. Employees who discontinue coverage during a non-paid leave may be reinstated to the plan upon return to paid status; however, the dependent premiums must be deducted on an after-tax basis for the remainder of the plan year. Deductibles and out-of-pocket maximums will start over again for employees who discontinue insurance coverage while on a leave of absence and begin coverage upon return to work.

Is my spouse being called to active military duty a qualifying event to take FMLA protected leave?

Yes, eligible employees are entitled to take up to 12 work weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

If one of my family members is injured in the line of duty and requires ongoing medical care would this qualify as a reason to apply for FMLA protected leave?

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered "covered servicemember" who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to take up to 26 weeks of leave in a single 12-month period to care for the "covered servicemember". This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

What is the definition of a “covered servicemember”?

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty.

For more information email benefits@boiseschools.org or call Employment and Benefits 854-4074 ext. 0.