

FAMILY MEDICAL LEAVE ACT (FMLA) FACT SHEET

ELIGIBILITY REQUIREMENTS*:

FEDERAL:

- The employee must be employed at least 12 months and have worked more than 1,250 hours for the employer during the previous 12-month period.

STATE OF WISCONSIN:

- The employee must be employed more than 52 weeks and have worked more than 1,000 hours for the employer during the previous 52-week period.

REASONS FOR LEAVE*:

FEDERAL:

Up to 12 weeks of unpaid leave during a 12 month period for one or more of the following reasons:

- The employee's own serious health condition.
- The birth and care of employee's child.
- The placement of a child for adoption or foster care.
- The employee's spouse, parent, or child has a serious health condition that requires the employee's care.
- To care for an ill or injured service member (spouse, child, parent, or "next of kin") – May be up to 26 weeks in one single 12-month period. Intermittent and reduced schedule leave are available
- For a family member of a service member who is called to active duty to address certain qualifying exigencies.

STATE OF WISCONSIN:

Up to 6 weeks of unpaid leave during a 12 month calendar year for one or more of the following reasons:

- The birth and care of employee's child.
- The placement of a child for adoption or foster care.

Up to 2 weeks of unpaid leave during a 12 month calendar year for one or more of the following reasons:

- The employee's own serious health condition.
- The employee's spouse, parent, parent-in-law, or child has a serious health condition that requires the employee's care.

NOTICE REQUIREMENT*:

Employees who wish to use family and medical leave under either the State or Federal law must provide reasonable notice of his/her intent to do so. Under **Federal** law, at least 30 days' advance notice must be provided when the need for the leave is foreseeable. Under **State** law, advance notice of leave must be given in a reasonable and practicable manner. Under either law, employees must try to schedule the leave so as not to unduly disrupt the employer's operations. Advance notice is not required for emergency situations.

*When the Federal FMLA laws and the State of Wisconsin laws differ, the one most favorable to the employee's situation must be followed.

CERTIFICATION:

The employee is required to obtain certification by the health care provider or Christian Science practitioner supporting the need for the leave for a serious health condition of the employee or his/her immediate family member(s). This can be done by using Form #WH-380 entitled "Certification of Health Care Provider" for the Federal FMLA leave. There are different forms for the employee, the family member, or the service member dependent on the need of the leave.

PAID LEAVE*:

Employees are not entitled to be paid for their leave under the federal or state laws. Under **State** law, the employee may substitute other forms of paid or unpaid leave available through your employer such as personal, sick, and/or vacation time. Under **Federal** law, either the employee or the employer may opt for the staff member to use certain paid leave. If the employee is taking paid leave, he/she may use paid leave to cover all or some of the family and medical leave. The district requires that the employee use available paid leave prior to taking unpaid leave under **Federal** leave. Please work with Wendy Helminiak to coordinate this aspect.

BENEFIT CONTINUATION:

The employee's health, dental, life and disability benefits will continue during the duration of the leave period under the same circumstances and conditions as existed prior to the leave. The employee is responsible for his/her share of the insurance premiums while they are out on family and medical leave.

RETURN TO WORK:

Upon return from a leave under the Federal and State FMLA, an employee will be restored to his/her original position, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment, including returning to the same shift. **If leave is taken for an employee's own serious health condition, he/she will be required to present a fitness-for-duty certificate to be restored to employment.** Employees will not lose any employee benefit that he/she has earned before taking leave.

STATUS NOTICE:

The employee should keep his/her supervisor informed of the status of the leave and his/her intention to return.

This is a summary of the Federal and State Laws pertaining to the Family and Medical Leave Act of 1993 and subsequent updates to the law. If you have questions or need more information, please contact the Wendy Helminiak.