



FMLA frequently asked questions

1. What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA) is a federal law which came into effect in 1993. It requires SDCCD to grant its employees up to 12 weeks of FMLA job-protected leave per fiscal year for specified medical reasons.

2. Under what circumstances can FMLA leave be requested?

FMLA leave may be requested at any time; however, this does not automatically mean the leave will be granted or that the employee is eligible for FMLA leave. Human Resources must determine whether or not the leave requested falls under the protection of the Family and Medical Leave Act. SDCCD is required to inform the employee of FMLA rights when made aware of the condition.

3. Is FMLA paid leave?

The FMLA only requires unpaid leave. However, the law permits an employee to elect, or 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.

4. How does FMLA benefit me?

The following benefits will apply if you qualify for leave under FMLA:

- 12 weeks of job-protected leave per year, Maintenance of health care benefits, Job restoration upon return from FMLA leave

5. How do I know if I am eligible for FMLA leave?

There are two requirements you must meet to be considered eligible for FMLA leave:

- You must have been employed by the state for a total of 12 months; and
- You must have worked a minimum of 1,250 hours during the 12 months prior to the first day of taking FMLA leave

6. Can I use FMLA if my illness is incurable or not likely to get better? For how long?

You may use FMLA for a certified health condition for the full 12-week period allowed. In this case, you should notify the Human Resources Office as soon as your illness is deemed to be incurable. Other benefits, such as short-term disability, long-term disability and disability retirement, may be available to you.

7. Who qualifies as "family"?

A child, spouse, or parent qualifies as "family" under FMLA guidelines.

8. Under what circumstances may I use FMLA leave?

FMLA leave is available to you if you are certified as having a health condition as defined under the FMLA and meet the eligibility criteria. You may also use FMLA leave if an immediate family member (spouse, child, or parent) has a health condition and needs your care.

9. What types of illnesses qualify for leave under FMLA?

Any illness, injury, impairment, or physical or mental condition that involves the following criteria qualify for leave under FMLA, provided eligibility requirements are met:

- Any period of incapacity requiring absence from work for more than three continuous days with continuing treatment by a health care provider; Continuing treatment by a health care provider for a chronic health condition; or Any period of incapacity connected with inpatient care or overnight stay in a hospital or residential medical-care facility

10. If an employee is considered full-time and only works four or six hours per day as per doctor's restrictions, can the rest of the day be considered FMLA leave?

Yes, provided the reason for the shortened workday is certified as an FMLA condition.

11. Can I use FMLA more than once? Is the 12 weeks yearly?

All leave eligible under FMLA may be used more than once per year. It may also be used for different and separate medical conditions. The District had adopted the "rolling 12 month period" for determining eligibility. This means that the District will measure back 12 months from the date of the qualifying event.

12. How does FMLA work when an employee misses work intermittently for the same reason?

All intermittent time lost due to the same condition will be tracked as per FMLA guidelines. This lost time would be logged until the 12 weeks of FMLA time (or 480 hours for each full-time employee) are expired.