

SUPERVISOR TIPS

Introduction to the Family Medical Leave Act (FMLA)

As a supervisor, you may come across a situation where an employee indicates that he/she has a serious medical condition. What do you do at that point? These Supervisor Tips are designed to provide you with basic information regarding FMLA and next steps when facing that scenario:

- **What is FMLA?** This is a Federal law providing job-protected leave of up to 12 weeks within a rolling 12 month period. The leave is for the following purposes only:
 1. To care for your child after birth or placement by adoption or foster care;
 2. To care for your spouse, child, or parent who has a serious health condition;
 3. For your own serious health condition.
- **Who is eligible?** Full-time, regular employees who have at least 12 months of service, and who have worked at least 1250 hours during the 12 month period immediately preceding the requested leave.
- **Who determines what is a “serious medical condition”?** A medical practitioner would need to complete a form certifying that the leave qualifies under FMLA. This is not a judgment call made by the supervisor or HR., nor can we ask about the nature of the condition.
- **Do the 12 weeks need to be consecutive?** No; in fact, it can be intermittent, meaning hours per week, days per month, weeks at a time; the determining factor is made by the medical practitioner, who will specify the type of leave duration based on the issue at hand.
- **What do I do if an employee tells me, or I have reason to believe, that an employee has a serious medical condition?** Refer them to your friendly HR staff! HR will provide them with the necessary paperwork and explain the full FMLA eligibility process for them. As a supervisor, if you have an employee who advises in advance that he/she needs to be out on sick leave for more than 3 days, or you have an employee who has been out on unscheduled sick leave for more than 3 days, contact Human Resources for guidance, as this may be an FMLA issue.
- **Does FMLA time count against the District’s Sick Leave Monitoring policy?** No. This leave is protected and does not count in determining the 48+ and 64+ hour sick leave usage thresholds. Also – do not comment/refer to FMLA leave within a performance evaluation, as that could be perceived as punitive or discriminatory.

