



Rights:

- ⇒ You have the right to take up to 12 workweeks of unpaid leave per leave year for a qualifying reason or 26 workweeks in the case of caring for a covered service member with a serious injury or illness. The leave year begins on the first day you take FMLA leave and ends one year later.
- ⇒ Your benefits during your FMLA leave must be maintained under the same conditions. Therefore, even if your leave is unpaid, the state will pay its share of the health, dental, and vision insurance premiums. For the other benefits, you must arrange to keep them in effect on your own.
- ⇒ You should be restored to the same or equivalent position with the same pay, benefits, terms and conditions of employment upon your return from FMLA leave.

Responsibilities:

- ⇒ You must furnish a certification from a health care provider when your FMLA request is based on a serious health condition for either yourself, a qualifying family member, or for the serious illness of a qualifying covered service member. This may be done on the *certification of health care provider* form provided in TRD Policy No 10-01.
- ⇒ You must return to work at the appropriate time. If you do not return to work following an FMLA leave of absence and the reason for not returning to work is not a valid, health-related reason, you will be required to reimburse the state's share for benefits.
- ⇒ If you are on unpaid FMLA, you must make arrangements with your Payroll Analyst to pay your employee share of your benefits, throughout your FMLA leave. You should pay your share of the insurance premiums within the pay period in which they are due. You will have a minimum 30-day grace period in which to make premium payments. If payments are not made timely, your benefits may be canceled, provided we notify you at least 15 working days in advance of the date the insurance will lapse.
- ⇒ You may, when connected to an absence, be required to furnish an updated medical certification every six months if your FMLA leave is based on a chronic condition and every 30 days for any other condition. Also, if your leave is based on your serious health condition and the FMLA leave exceeds 30 days, you will be required to furnish a *fitness for duty* certification prior to returning to work. Failure to provide this information will delay re-entry into active employment status.
- ⇒ You must furnish an updated medical certification form if you request an extension or approval of another FMLA leave of absence, or if there is a change in your medical condition.

- ⇒ You may be required to furnish reports on your status and intent to return to work every 30 days if your FMLA leave is based on a serious health condition.
- ⇒ You have the right to have accrued annual leave, accrued sick leave, personal leave day, accrued compensatory time or donated leave substitute for any part of unpaid FMLA provided you meet the requirement for the leave policy. If you do not meet the requirement for taking paid leave, you remain entitled to take unpaid FMLA leave.

Other Issues:

- ⇒ Communication between the employee and the employer during a leave of absence is very important. Staying in contact with each other helps both us to make sure you are receiving all you are entitled to by making sure we both have all the most current information regarding your situation.
- ⇒ An FMLA leave of absence is full-time except in situations where “intermittent” leave is medically necessary and appropriate based on health-related reasons.
- ⇒ Paid leave that is approved by your supervisor **based on one of the qualifying reasons** will be charged against your FMLA entitlement. Paid leave includes accrued annual leave, accrued sick leave, personal leave day, paid holiday leave, accrued compensatory time or donated leave for any part of unpaid FMLA.
- ⇒ If a paid holiday occurs within a week of FMLA leave, the holiday is counted towards the FMLA entitlement. However, if an employee is using FMLA in increments less than one week, the holiday does not count against the employee’s FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday.
- ⇒ You will need to follow all leave policies regarding calling into work and requesting leave. Failure to do so may be grounds for disciplinary action.
- ⇒ When and if you need to call into work, you must specify whether or not your absence is FMLA-related.
- ⇒ If you are on continuous FMLA, you do not need to call into work every day you are out for the identified period on your approval letter.
- ⇒ While on FMLA, you are still responsible for entering your time into the payroll system in a timely and accurate manner.