

Family and Medical Leave Act (FMLA) FAQ

What is Family and Medical Leave (FML)?

- Job protected medical leave of absence for eligible employees.

Who is eligible for FML?

- Employees of the district who have been employed at least 12 months within the last three years
- Have worked at least 1250 hours in the previous 12-month period from the date the medical leave begins.

Can an eligible employee take FML to care for a family member?

- Yes, if eligibility is met, an employee may use FML to care for a spouse, child, or parents.
- Employees may also use FML for the birth of a biological child or an adoption.

How much time am I allowed to be off on FML?

- Employees may be out on FML up to 12 weeks, if medically necessary, for themselves, or to care for their spouse, their child, or their parent.
- The employee is expected to return to work upon release from doctor's care. The employee must provide a medical release letter from the attending physician to the Benefits Office before reporting to work.
- When caring for a family member, a medical release is not required to return to work. However, the Benefits Office does need to be notified with as much advance notice as possible to inform their supervisor.
- Maternity leave is a two-part FML. The period in which the employee is under doctor's care (typically 6 weeks for normal delivery or 8 weeks for c-section) is the medical FML. Once released from doctor's care, the employee may continue FML for the remaining 12 weeks as baby bonding leave.
- For paternity leave, the employee may take up to 12 weeks of FML for baby bonding.
- NOTE: when spouses work for the same employer, FML entitlement is 12 weeks combined for both.

Is FML paid leave?

- No, FML is not paid leave of absence. FML is job protected leave. However, the employee may continue to receive pay if he or she has paid leave (accruals) available.
- If the employee exhausts all paid leave (i.e., local, state, vacation, and non-duty), the employee then goes into unpaid status (docked pay).

- Docked pay will be at the employee's daily rate of pay.
- It is important to know that absences are posted a month in arrears. For example, September absences are posted in October's payroll, October absences are posted in November's payroll, and so forth.

Is it possible that my dock amount may be greater than my monthly pay?

- Yes. This typically happens when all leave has been exhausted and a full month of unpaid absences occurs.
- In some cases, the dock amount may be greater than the monthly pay. When this happens, the employee ends up with a negative amount. The negative amount carries over and is deducted from the next month's paycheck.
- Examples:
 - Scenario 1. Jane requested 12 weeks of FML for maternity leave. Jane has 20 days of paid leave available at the beginning of the leave of absence. Her 12 weeks of FML for maternity starts 9/1/2021 and ends 11/19/2021. Jane's pay information is as follows: annual salary \$56,727/monthly pay \$4,727.25/daily rate \$303.35.
 - The month of September has 21 workdays; thus, Jane will use all paid leave available in this month, plus be docked for 1 day at her daily rate.
 - Keep in mind that absences are posted a month in arrears. Jane will receive a regular monthly salary of \$4,727.25 in September, as September absences will post in October's paycheck. In October, Jane will be docked for 1 day (\$303.35), after exhausting all paid leave, thus her monthly gross pay (before deductions) for this month is \$4,423.90 ($4,727.25 - 303.35$).
 - The month of October has 20 workdays, which means that 20 absences will be posted in November's paycheck. Since Jane has exhausted all paid leave, she will be docked for the 20 days at her daily rate of pay ($20 \times \$303.35 = \$6,067.00$). Jane's monthly salary is \$4,727.25; however, the dock amount is greater than her monthly pay ($4,727.25 - 6,067.00 = -1,339.75$). Jane will not receive a paycheck in November due to the dock amount being greater than her monthly pay. The remaining negative amount will carry over to December's paycheck where Jane will be docked \$1,339.75.
 - In the month of November, Jane will be absent 15 days which will be posted in December's paycheck. With no paid leave available, she will be docked 15 days at the daily rate ($15 \times \$303.35 = \$4,550.25$). Subtracting this dock amount from the

monthly salary leaves a balance of \$177.00 ($4,727.25 - 4,550.25$). However, Jane has a negative balance of \$1,339.75 that carried over from the month of November. She will not receive a paycheck in December and will have a negative balance carry over to be docked from the January paycheck ($177.00 - 1,339.75 = -1,162.75$).

- Jane did not have any absences in December to post in January. Her January paycheck will include the negative balance from December and will receive a partial check ($4,727.25 - 1,162.75 = 3,564.50$). Her gross pay before deductions will be \$3,564.50.
- Jane's normal salary will resume in February. Any additional absences until the end of the school year will be unpaid.
- Scenario 2. Mary requested 8 weeks of FML for a surgery. She has 60 days of paid leave available at the beginning of her leave of absence. Her leave starts 9/1/2021 and ends 10/27/2021. Mary's pay information is as follows: annual salary \$56,727/monthly pay \$4,727.25/daily rate \$303.35.
 - Mary will be out a total of 39 days. Her monthly pay will not be impacted negatively since she has 60 days of paid leave available.
 - Mary will receive regular monthly pay for the duration of her leave of absence.

What happens to my benefits if I do not receive a paycheck?

- In a case where the dock amount is greater than monthly pay and no paycheck is received, the employee is responsible for paying the benefit premiums. The employee will need to contact the Irving ISD Benefits Department to arrange for payment to be made.
- Type of payments accepted are, personal check, money order, and credit card or debit card. A 2.3% fee is added to credit card and debit card payments. The fee comes from the electronic payment provider, and not from Irving ISD.

What happens if I decide to resign at the end of my FML period?

- There is a possibility of ending up with an overpayment. If this occurs, the district will make all efforts to collect the overpayment amount, including legal action, as the district may not write off public funds.
- An overpayment may occur when the employee uses accruals beyond what was earned. The district front loads accruals for the year in good faith that the employee will fulfill their work calendar days.

- When the employee resigns before fulfilling their work calendar days, all accruals are prorated based on actual days worked from first day of work in the school year, to the resignation date.
- Because the employee used all accruals up front, an overpayment may occur after adjusting the accruals.

What happens if the district is not able to accommodate my restrictions when returning to work from being out on FML?

- You will continue to be out until restrictions are lifted, or until restrictions are modified to a reasonable accommodation.

What if my medical condition is such that I am not able to return after 12 weeks?

- You may qualify for Temporary Disability Leave (TDL) or Temporary Medical Leave (TML).

What is Temporary Disability Leave (TDL) and who is eligible?

- Temporary Disability Leave is unpaid leave; up to 180 calendar days per year.
- Available to SBEC Certified employees only for catastrophic illness of Employee
- Provides job protection to full-time educators who cannot work for an extended period because of a mental or physical disability of a temporary nature.
- Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule.
- Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.
- Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return.
- When an employee is ready to return to work, the Office of Human Resources should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

What is Temporary Medical Leave (TDL) and who is eligible?

- Temporary Medical Leave is unpaid leave; up to 45 calendar days per 12-month period.
- Available to full time non-contract employees not eligible for TDL for the period during which the employee is physically unable to perform regular duties due to an illness or disability.
- Temporary medical leave shall be made available only after the employee has exhausted all paid leave benefits, including vacation/non-duty.
- The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return.
- When an employee is ready to return to work, the Office of Human Resources should be notified at least 30 days in advance or as soon as possible. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties.