



# FMLA: What to Expect

## **How do I qualify?**

If you have worked for the District for over 1 year and worked at least 1250 hours in the preceding year, you will be eligible for job protection under the Family Medical Leave Act (FMLA). This law protects your job if you are off of work for up to 12 working weeks (60 work days) for a medical reason. This law does not guarantee you pay.

## **Do I get paid?**

During these 12 work weeks, you may use your accumulated Local Sick, State Sick, State Personal and Exemplary Attendance days to be paid for your absence provided that you are under medical supervision. Once the doctor releases you back to work, you cannot use any remaining leave days to be paid for your absence. The only exception to this is the use of State Personal Leave Days as Discretionary Days. Board Policy stipulates that you may use up to 3 Discretionary Days in a row and not more than 5 Discretionary Days in a School Year. All other days absent following the Doctor's release will be non paid days.

## **Am I paid for Holidays or Spring/Winter Break?**

The majority of District employees are compensated on a per day basis such as Teachers who work 187 days. Their total salary is divided up by 187. This number is the true daily rate of pay.

Example:	Teacher Starting Salary	\$46,400
	Divided by # of work days	$\frac{\quad}{187}$
	Equals Daily Rate of Pay	= \$248.13

An employee is neither docked pay nor paid for Holidays. Holidays and Spring Break are not included in the 187 days for which an employee is paid. Similarly, if an employee was sick during Thanksgiving, Winter or Spring Break they would not have to use leave days to make up those days because they would not have been at work anyway.

## **Do I get to stay out longer because of the Holiday and other Breaks?**

Your doctor will give you a medical release to go back to work when you are able to return physically. This release is typically 6 or 8 weeks. The time frame of your recovery is not extended because it crosses a Holiday, Spring/Winter Break or summer. If your doctor has released you back to work and you choose to stay out longer under FMLA, you may do so; however it will be unpaid leave as mentioned above.

FMLA is counted in workweeks rather than calendar days/weeks. When your 12 weeks of FMLA cross a Holiday or Spring Break it may extend your allowable time off. It does not extend your right to paid leave.

## **How much pay will I lose while I am out?**

Once you have run out of your accumulated paid leave days, you are docked your daily rate for each workday that you miss. Below are a few examples:

#### EXAMPLE 1:

Dates Absent: Sept. 15<sup>th</sup> - Oct. 9<sup>th</sup>  
Number Days: 19  
Daily Rate: \$248.13  
Total Docked: \$4714.47

This absence occurs within one pay period cycle. The deduction in pay is more than the employee is typically paid in a month due to the large number of work days for that pay period. The deduction in pay will come out of two paychecks in order to deduct the correct amount of pay. Due to payroll cutoff dates, the October paycheck would be docked the normal monthly Gross amount of \$3866.67. The November paycheck would be docked the remaining \$847.80. Once the total of \$4714.47 has been deducted from the employee's paychecks, they will go back to receiving their normal pay for the remainder of the year barring any additional absences.

#### EXAMPLE 2:

Dates Absent: Dec. 10<sup>th</sup> - Jan. 7<sup>th</sup>  
Number Days: 11  
Daily Rate: \$248.13  
Total Docked: \$2729.43

This absence occurs within two pay period cycles. 3 of the docks are on the December paycheck ( $\$248.13 * 3 = \$744.39$ ). The remaining 8 days would fall on the January paycheck ( $\$248.13 * 8 = 1985.04$ ). All other paychecks would be back to normal pay barring any additional absences.

The best thing to do is check the approved Irving ISD School Calendar to estimate how many workdays you will miss during your leave.

## Dads

If you become a Father during the work year you are eligible to use up to 30 consecutive workdays of State Personal Leave to be paid while caring for your newborn. This is called Child Nurturing Leave under DEC Local Board Policy. This paid leave cannot extend beyond six calendar weeks from the birth of the child. Any additional time taken must be unpaid leave and meet all FMLA requirements. Please note: if both spouses work for the district the combined total number of weeks the family may be off to care for the child is 12 weeks.

## Adoption

If you become a parent through legal adoption of a child up to one year of age, you may also use Child Nurturing Leave. You must use your State Personal Leave days to be paid for this absence. The paid leave can be no more than six calendar weeks beginning at the time of the adoption. Any additional time taken must be unpaid leave and meet all FMLA rules.

Make an appointment with Jeanette Severson, Benefits Coordinator to go over the documentation and notification requirements for your leave as well as determining how you will be compensated. You may have additional sources of income such as Sick Leave Bank Days, Extended Local Leave Days or you may have Long Term Disability Insurance through the District.