

FMLA Leave for Employees

What is FMLA?

The [Family and Medical Leave Act \(FMLA\)](#) is a federal law which provides job-protected family and medical unpaid leave for employees who meet certain requirements and work for employers who are subject to the law. Full time employees can take up to 12 workweeks of unpaid leave each year with no threat of job loss. FMLA also requires that employers covered by the law maintain the health benefits just as if they were working.

How do I know if I'm eligible for FMLA?

FMLA applies to employees who meet the established criteria under the law. The employee must work for the employer for a minimum of 12 months, and at least 1,250 hours during those 12 months, before being eligible to take leave under FMLA.

How can I use FMLA?

FMLA leave may be taken "continuously", "intermittently" or on a "reduced leave schedule" under certain circumstances. Continuous FMLA is FMLA that is taken and not broken up by periods of work. Intermittent leave is FMLA leave taken in separate blocks of time for a single illness or injury. A reduced leave schedule reduces an employee's usual number of working hours per workweek, or hours per workday. It is a change in the employee's schedule for a period of time, normally from full-time to part-time. Generally, employees must show the medical necessity for intermittent leave or a reduced leave schedule.

What sorts of situations qualify for FMLA Leave?

Employees may be granted FMLA leave for one or more of the following situations:

- The employee cannot work because of a serious medical condition.
- The employee must care for an immediate family member that has a serious medical condition.
- The birth and/or subsequent care of the employee's child.
- The placement and/or subsequent care of an adopted or foster care child.

Or

- A "qualifying exigency" that arises out of the fact that the employee's spouse, child or parent is on active duty or has been called to active duty for the National Guard or Reserve in support of a contingency operation.

How much time is available under FMLA?

You can take up to 12 weeks of FMLA leave in any 12 month period.

How does Wesley College track FMLA?

Taking FMLA leave intermittently or on a reduced schedule doesn't affect the total amount of leave available to an employee (12 weeks in a 12-month period or up to 26 weeks in a single 12-month period for military caregiver leave) and is deducted as it is used. Only the time actually taken is charged against the employee's available leave. An employer generally must account for the FMLA leave using an increment no greater than the shortest period of time that it uses to account for use of other forms of leave, provided that it is not greater than one hour.

When am I entitled to FMLA leave?

Under the FMLA, you are eligible to take – and employers must grant – continuous FMLA, intermittent FMLA leave or leave on a reduced schedule when your own “serious health condition” renders you unable to do your job. In addition, employers also must grant intermittent FMLA leave to employees who needs to care for a spouse, son, daughter or parent with a serious health condition. Under the FMLA’s military leave provisions, employees also may use intermittent FMLA leave for qualifying exigencies and to care for a covered service member with a serious illness or injury. The care needed can encompass both physical and psychological care and can even include driving the family member to the doctor. All FMLA must be certified by a health care provider.

Will I get paid during FMLA Leave?

FMLA doesn’t guarantee any sort of paid leave. Wesley College requires the use of available leave during FMLA.

What happens when I am ready to return to work full time?

Provided that you are still covered under FMLA, you will be returned to your original job or an equivalent position immediately.

What happens to my health insurance when I am utilizing FMLA?

Wesley College will continue your health insurance while you are on FMLA. You will be required to pay your usual share of the premium.

Does my supervisor need to know why I am on FMLA?

No, your supervisor does not need to know why you’re using FMLA. You should however, make sure that you are trying to schedule appointments with the least disruption to your department. In addition, you should be providing as much notice as possible to your supervisor if you need to be out. This helps to ensure proper coverage and allows time to complete tasks that you may not have the time to complete.

My supervisor keeps asking me why I am taking off even though I am utilizing FMLA. What do I say?

You may direct your supervisor to HR for follow up questions. Politely let your supervisor know that they are not entitled to know the reason(s) why you are off just that you are observing FMLA. HR can always provide assistance with managing FMLA.

How do I get paid when I run out of leave?

Wesley College provides short-term disability benefits for all full-time employees. Short-term disability is managed by a third party vendor (Sun-Life) who reviews and determines eligibility for short-term disability. In all cases, medical documentation is required for determining eligibility and short-term disability eligibility is not guaranteed.