

Frequently Asked Questions Leave of Absences

1. How do I request a leave of absence?

A Request for a Leave of Absence form is required to begin the leave process which can be found online at:

<http://www.edina.k12.mn.us/district/employment/handbook/forms.html>

All FMLA forms can also be found on the web. You can also request information directly from Human Resources x4905.

2. What is FMLA (Family and Medical Leave Act)?

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. The 12-month period is measured forward from the date that an employee's first federal leave begins. An employee is entitled to 12 weeks of leave during the year beginning on the first date federal leave is taken; the next 12-month period begins the first time leave is taken after completion of any previous 12-month period.

Family leave is for birth of employee's child or for placement of a child with employee for adoption or foster care. Medical leave is available when employee is needed to care for a child, spouse, or parent who has a serious health condition or when employee is unable to perform the functions of his or her position because of a serious health condition.

A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

3. What notice and certification is needed for a FMLA leave?

Employees seeking to use FMLA leave may be required to provide:

- 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- Second or third medical opinions and periodic recertifications (at the employer's expense); and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

A leave that is unforeseeable or after the birth of a child, an employee has 15 days to return a completed Doctor's Certification to Human Resources.

Forms can be found on the web at <http://www.edina.k12.mn.us/district/employment/handbook/forms.html> or forms can be requested from Human Resources, x4905.

4. Is FMLA paid or unpaid leave?

- Accrued basic leave may be used in accordance with existing contracts and policies during any part of medical leave for employee's own serious health needs.
- Accrued vacation or personal business leave may be used during any part of family or medical leave.
- If eligible, paid disability leave because of employee's illness or disability may be used during any portion of medical leave.
- If ill or disabled before leave commences, accrued sick leave may be used to the extent it is available.

5. What happens to my benefits when I am out on FMLA leave?

Your benefits are protected for the 12 weeks you are out on FMLA leave. If you are out on an unpaid leave you may have to pay your portion of the deduction by sending a check to Edina Public Schools. If you do not return to work once FMLA is exhausted, your benefits will continue through to the end of the month your FMLA leave ends, unless you are eligible for long-term disability. Corporate Health Systems will send information regarding COBRA and/or long-term disability.

6. Are breaks during the year counted against FMLA leave i.e. Spring, Winter and Summer Break?

No, only duties days are counted against FMLA. Breaks are, however, counted against disability time, if the employee is disabled by a physician.

7. My spouse and I both work for Edina Public Schools, what are we eligible for under FMLA?

The district's practice is to allow both employees, if eligible, with up to 12 weeks separately of FMLA leave for a 12-month period of time.

8. What is granted for Adoption or Placement of a Child?

If eligible, the employee may take up to 12 weeks of FMLA (Family Medical Leave Act) leave. Consult your bargaining agreement for details on using basic accrued leave or vacation days.

9. When taking family leave, does FMLA have to start the day the baby is born?

In the case of a newborn, the leave may be taken anytime within the year following the birth. Typically this would mean that the mother would take the leave immediately following the birth, since intermittent leave for this reason would not be allowable. FMLA begins and runs simultaneously with disability leave.

However, the father of the newborn could use sick leave (up to 5 days plus any unused personal leave) to care for the spouse immediately following the birth and then, at a later date, but before the baby is one-year old, take up to 12 weeks of unpaid FMLA leave to care for his newborn.