

## FMLA Frequently Asked Questions

The questions and answers below are meant to offer guidelines in accordance with Human Resources best practices, and do not constitute legal advice of any kind. All answers are based on the federal Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave (VPFL). Please keep in mind that you as an employer may have leave policies and contract obligations above and beyond FMLA and VPFL that may need to be taken into consideration once FMLA and VPFL requirements are met.

Question	Answer
<p>What is FMLA?</p>	<p>FMLA stands for the Family and Medical Leave Act. Signed into law in 1993, it provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave. It is designed to help employees balance their work and family responsibilities while also accommodating the legitimate interests of employers.</p>
<p>We are a small school with fewer than 50 employees. Do we need to comply?</p>	<p>Yes. All public entities, including public schools, are required to comply irrespective of the number of employees.</p>
<p>Who is eligible for FMLA?</p>	<p>Any employee who has worked for 12 consecutive months, and who has worked at least 1250 hours during that period.</p>
<p>What does it offer to employees?</p>	<p>FMLA offers eligible employees up to 12 weeks of unpaid leave each year for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• the birth and care of a newborn child;</li> <li>• placement with the employee of a child for adoption or foster care;</li> <li>• to care for an immediate family member (spouse, child, or parent) with a serious health condition; or</li> <li>• the employee's own serious medical condition that prevents the employee from working</li> </ul>
<p>What is the Vermont Parental and Family Leave Law, and how does it work with FMLA?</p>	<p>The VPFL is a state of Vermont leave law, with similar provisions to the FMLA. In cases where both the state and the federal laws apply, employers are required to utilize the one that provides the greatest benefit to the employee. Your Human Resources representative will be able to determine which provisions apply, and VSBIT is here to help if needed. For a side-by-side comparison, visit:</p> <p><a href="http://www.dol.gov/whd/state/fmla/vt.htm">http://www.dol.gov/whd/state/fmla/vt.htm</a></p>
<p>What are the special rules that apply to schools?</p>	<p>Special rules apply to instructional employees who either:</p> <ul style="list-style-type: none"> <li>• take intermittent leave or a reduced leave schedule</li> <li>• take leave near the end of an academic term</li> </ul>

Question	Answer
<p>What are the military provisions of the FMLA?</p>	<p>Eligible employees with family members in both the active duty and reserve components of the Armed Forces, as well as family members of certain qualified veterans, can take FMLA in the following circumstances:</p> <ul style="list-style-type: none"> <li>• A spouse, son, daughter, or parent of a military member may take up to 12 weeks of FMLA leave during any 12-month period to address the most common issues that arise when a military member is deployed to a foreign country, such as attending military sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare. Provisions also allow for time off to arrange for care of parents who depend on the servicemember for care.</li> <li>• A spouse, son, daughter, parent or next of kin of a covered servicemember or eligible veteran may take up to 26 weeks of FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty on active duty. This provision applies to the families of members of both the active duty and reserve components of the Armed Forces.</li> </ul>
<p>My employee has several weeks of accrued sick time available. Does FMLA start after the sick time has been used up?</p>	<p><b>NO.</b> FMLA runs concurrently with sick time, as well as any lost time due to a workers' comp injury.</p>
<p>We require all our employees to request any type of leave in writing. Can we deny an employee FMLA leave if the written request has not been made?</p>	<p><b>NO.</b> An employer need only be aware of the need for FMLA leave in order to be obligated to consider it as a potential FMLA leave. The employee need not expressly assert rights under the FMLA or even mention the FMLA. It is therefore important that on-site principals and administrative staff be aware of FMLA so as to properly identify potential FMLA leave situations.</p>