

Frequently Asked Questions: FMLA

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What is FLMA?

FMLA is the Family Medical Leave Act of 1993. It provides job protection to eligible employees and allows up to 12 weeks of *unpaid* leave certain medical and family events in a 12 month period.

What types of leave would qualify for FMLA?

There are two types of leave available to you:

- *Medical leave* is for your own serious health condition or a serious health condition for your immediate family member (parent/child/spouse). “Your own serious health condition” includes pregnancy. For additional information on how FMLA work for pregnancy, see the Parental Leave Supplement.
 - *Family leave* is for the: a) birth of your child, or b) placement of an adoptive or foster child in your home. Leave must be taken within 12 months of the birth or placement of the child in your home.
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Who is eligible?

To be eligible for FMLA, you must have worked for CMS for at least 12 months **and** a minimum of 1,250 hours within the past 12 months.

Is my FMLA leave paid?

FMLA grants you the right to unpaid leave. However, CMS policy states that eligible paid leave will be substituted for FMLA until exhausted or the FMLA leave ends whichever comes first.

Can I take intermittent leave?

CMS policy states that leave may be taken intermittently or on a reduced schedule when medically necessary for treatment related to a serious health condition.

How are my insurance premiums paid while I am on FMLA?

CMS will continue to pay the employer portion of the health, dental and life insurance premiums. You will continue to be responsible for your portion of your insurance premiums, if any, while you are on leave. If the CMS is unable to collect your portion of the insurance premiums from your pay, CMS will bill you. Failure to pay your share of the insurance premiums by the due date will constitute voluntary cancellation of your and/or your family's health benefits.

What happens when my 12 weeks of FMLA are exhausted?

CMS will pay for its portion of your benefits for up to a maximum of 12 weeks while you are out on FMLA. If you are entitled to further leave time, you will be required to pay the entire amount of your benefits (employer and employee portion) after the 12 weeks if the leave is unpaid leave. You have the option to cancel your group insurance benefits while you are on leave. You must contact your HR manager and/or Benefits Office about cancellation.

Important: A break in health insurance coverage may subject the employee and/or family members to a waiting period of up to 12 months for pre-existing conditions.

What benefits or job protection do I get?

CMS is required to reinstate you in the same or an equivalent position with the same pay and benefits as the position you held before your leave.

When can I use my FMLA leave again once it is exhausted?

CMS uses a 'rolling calendar' to determine your eligibility for FMLA. This means that when you request leave, only the leave taken within the past 12 months will count against your 12 week maximum.

Example: Mary took 2 weeks of leave December 1 - December 14. She requests a leave a few months later that will begin April 5 and end April 30. Looking back over the past 12 months, Mary only used 2 weeks so she is entitled to 10 of the maximum 12 weeks.

What if my spouse is also a CMS employee and we want to take leave at the same time?

If FMLA is taken for a medical leave, each employee is entitled to 12 weeks. If FMLA is taken for family leave, then both employees are limited to a total of 12 weeks between them. In cases where the employees have each taken 6 weeks of family leave, they are each still entitled to the remaining 6 weeks for medical leave.

What about the summer months if I am a 9 or 10-month employee?

The period during the summer months when a school employee would not have been required to report for duty is not counted against the employee's FMLA entitlement. A 9 or 10-month employee who is on FMLA leave at the end of the school year must be provided any benefits over the summer vacation that 9 or 10-months employees normally would receive if they had been working at the end of the school year.

How do I request my FMLA leave?

You must tell your supervisor of your need for leave at least 30 days before your leave begins if possible. Examples of leave requiring a 30-day notice include an expected birth, a placement for adoption or foster care, or planned medical treatment for you or your family member's serious health condition.

If a 30-day notice is not possible due to lack of knowledge as to when the leave will begin, a change in circumstances or a medical emergency, notice must be given to your supervisor as soon as possible.

All eligible leaves will be designated as FMLA leave even if you did not specifically request FMLA leave. Both Federal and State laws require CMS, as your employer, to grant you FMLA leave for all eligible leaves of absence.

How will I know if I'm using my FMLA leave?

Your leave form alerts CMS to send a letter to your home advising you of your FMLA status. Some leaves may be preliminarily designated as FMLA pending medical certification. This letter will explain how much time will be counted towards your leave entitlement.

Will I be required to provide other information for my leave to be approved?

If you are taking a medical leave, you must provide a "Physician/Surgeon Information Request" completed by your doctor.

For family leave, you must provide a "Physician/Surgeon Information Request" form. This form should be completed by your family member's doctor. If you do not provide either of these certifications, your request for FMLA leave may be denied.

What do I have to do when I am ready to come back to work?

In all cases, you must contact your supervisor and Benefits before you return to work. You must provide your supervisor and Benefits with a copy of your return to work order five (5) working days prior to reporting back to work. Your return to work order should include any work restrictions or modifications that are necessary.

Where do I go for more information?

You can contact your immediate supervisor, Human Resources Manager or the Benefits Office with questions or for additional information.

What if I am not eligible for FMLA leave?

Generally, employees who are not eligible for leave under FMLA are employees who have worked less than a year full-time or who are part-time. These employees may be approved for a medical leave for their own serious health condition or for that of their immediate family and exhaust their available leave balances. All full-time permanent and part-time permanent employees may take a leave of absence without pay for up to one calendar year from the date of birth or date of adoption to care for a newborn or newly adopted child.