

# FMLA Leave

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Labor/Employee Relations Team  
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# FMLA Leave

## Important Information

This booklet provides general guidance for employees, supervisors, and managers about the Family and Medical Leave Act and how this leave may be used in the County.

The information in this booklet is not intended to change or otherwise modify any law, regulation, procedure, or collective bargaining agreement that may govern the subject matter covered in this document. In the event there is an inconsistency, the law, regulation, procedure, or collective bargaining agreement will prevail. Please also bear in mind that laws, regulations, procedures, and collective bargaining agreements may be amended at any time.

Please consult appropriate references, such as *Personnel Regulations*, collective bargaining agreements, and Interim Administrative Procedure 4-35, *Family and Medical Leave*, for additional information.

## General Information/Eligibility

### **Q. What is the Family and Medical Leave Act (FMLA)?**

**A.** The FMLA is a federal law enacted in 1993 that requires public agencies and private sector employers of 50 or more employees to provide up to 12 weeks of job-protected leave to eligible employees for certain family and medical purposes.

### **Q. What are the purposes specified by the Act?**

- A.** FMLA leave may be used:
- To care for your newborn or newly adopted child or to care for a foster child newly placed with you (within 12 months of the birth, adoption, or foster care placement);
  - To obtain prenatal care for yourself;
  - To arrange for the adoption or foster care placement of a child with you;
  - To care for, or arrange care for, any of the following with a serious health condition: your legal spouse, minor child, adult son or daughter incapable of self-care, or parent; or
  - For periods when you can't work because of your own serious health condition that makes you unable to perform the essential functions of your job.

### **Q. Who is eligible for FMLA leave?**

- A.** To be eligible to use FMLA leave, you must have:
- Worked at least 12 months for Montgomery County government (not necessarily 12 consecutive months); and
  - Worked for at least 1040 hours during the 12 months before the start of the leave. Note that hours worked does *not* include periods of paid or unpaid leave.

Time worked in a temporary position is counted as part of the time you worked for the County.

### **Q. What is the leave entitlement?**

**A.** The FMLA provides up to 12 weeks of FMLA leave in a leave year to eligible employees. (A leave year begins with the first full pay period of the calendar year and ends with the pay period in which December 31 falls.)

### **Q. What if I'm a part-time employee? Am I still entitled to 12 weeks of FMLA leave?**

**A.** If you're a part-time employee and you meet the eligibility requirements, you're still eligible for up to 12 weeks of FMLA leave. In this case, a week consists of the average number of hours you work in a regular workweek.

**Q. If my spouse and I both work for the County, are we each eligible for 12 weeks of FMLA leave?**

**A.** Yes. Although not required by the FMLA, the County makes this benefit available to both spouses.

**Q. Is FMLA leave a separate category of leave, like annual leave?**

**A.** No. FMLA leave is not a type of paid leave that you accrue or earn, like annual or sick leave. Rather, it's a right to be away from work for up to 12 weeks during the leave year if you have a reason for using the leave that's covered by the law.

The federal law entitles an employee to use 12 weeks of unpaid leave for any of the purposes covered by the law. County regulations and labor agreements allow employees to use paid leave as FMLA leave to the extent that:

- It's an appropriate use of that particular type of paid leave; and
- You have accrued paid leave such as sick or annual leave, or you're entitled to use paid leave such as disability leave.

In the County, FMLA leave may be used as any combination of annual, sick, disability, parental, or personal leave, or leave without pay (LWOP). Sick leave used as FMLA leave to care for a family member is limited to the amount of sick leave earned in a leave year (120 hours for most full-time employees). (See pages 10 and 13 for more information about paid and unpaid leave as FMLA leave.)

Although FMLA leave isn't a separate leave category, there is a timesheet entry for FMLA leave for tracking purposes. (See timesheet examples on pages 18 and 19.)

**Q. May I use compensatory time as FMLA leave?**

**A.** No. Compensatory time is regarded by the law as a substitute for overtime pay rather than a type of leave and can't be used as FMLA leave.

**Q. Do I have to use all my paid leave before requesting LWOP as FMLA leave?**

**A.** No. All paid leave doesn't have to be exhausted before you request LWOP. Of course, if you've exhausted all your paid leave, you'll have to request LWOP.

**Q. If I don't use any or all of my FMLA leave entitlement in a leave year, may I carry over the unused amount?**

**A.** No. There's no carryover of FMLA leave to the next leave year.

**Q. Must FMLA leave be taken all at once or can it be used throughout the year?**

**A.** FMLA leave doesn't have to be taken all at once; the 12 weeks of leave can be used throughout the year. FMLA leave is usually used on a weekly basis or for periods of consecutive days. However, if you have a

serious health condition or have a family member (as defined by the law) with a serious health condition, you may use FMLA leave intermittently or on a reduced workweek basis if medically necessary. You may also use leave intermittently to care for a new child *with the approval of your supervisor*.

See page 9 for more information about intermittent leave.

**Q. If a holiday occurs during a week that I'm on FMLA leave, does the holiday count towards the FMLA leave?**

**A.** Yes. A workweek that includes a holiday is counted as a full week of FMLA leave, unless you're using leave intermittently or on a reduced workweek basis.

**Q. Will my supervisor contact me while I'm on FMLA leave?**

**A.** As needed during your absence from work, your supervisor may contact you about:

- Required medical certification;
- Status of your benefits;
- Timesheet;
- Pay;
- Leave balance;
- Projected date of return from leave; or
- The position to which you'll be restored after your leave ends.

## Requesting FMLA Leave/ Designation of FMLA Leave

**Q. How do I request FMLA leave?**

**A.** You request FMLA leave according to the procedures governing the type of leave you are requesting (annual leave, sick leave, LWOP, etc.), including completing a leave slip. When you request FMLA leave or when your supervisor designates your leave as FMLA leave, your supervisor will provide you with information about how FMLA leave works for County employees.

**Q. Must I specifically request FMLA leave?**

**A.** No. It's your supervisor's responsibility to designate leave as FMLA leave. You request the type of leave that you want to take (annual, sick, LWOP, etc.) and tell your supervisor that the leave is for a purpose covered by the Act. When you request FMLA leave, be prepared to explain the reason for the leave (generally) so your supervisor can verify that your reason for the leave qualifies for FMLA leave. Of course, you're not required to share details of any medical condition.

**Q. Is advance notice required?**

**A.** You should provide as much written or verbal notice as possible in advance of foreseeable leave. In cases of emergency, provide as much notice as possible, ordinarily at least one or two working days.

Leave to care for a newborn child or child newly placed for adoption or foster care is subject to a 30-day advance notice period, when the need to use the leave is foreseeable. You must provide advance *written* notice of intent to use LWOP as FMLA leave if the need to use the leave is foreseeable. If an emergency makes it impossible to provide advance notice of the need to use LWOP, you must notify your supervisor as soon as possible, usually within one or two business days.

**Q. What if I don't indicate that my requested leave is for an FMLA purpose?**

**A.** Even if you haven't specifically requested FMLA leave or indicated that the leave is being taken for an FMLA purpose, your supervisor must designate the leave as FMLA leave if information you provide, either voluntarily or in response to a question from your supervisor, indicates that the leave will be used for an FMLA qualifying purpose. Your supervisor may not designate leave as FMLA leave based on information given by others, unless you're unable to communicate and have authorized another person to speak for you.

If your supervisor designates leave as FMLA leave, your supervisor must notify you within one or two business days that the leave has been designated as FMLA leave. Verbal notice from your supervisor of the designation must be confirmed in writing, usually by the next pay day. The written designation may be any type of written communication, including a notation on your timesheet.

In some cases, leave can be designated retroactively as FMLA leave.

**Q. Can a request for FMLA leave be denied?**

**A.** A supervisor may not deny FMLA leave to any eligible employee *provided that*:

- the leave is to be taken for a purpose specified by the Act;
- the notice requirement has been met;
- any required certification has been provided; and
- you haven't already exhausted your 12-week entitlement.

A supervisor may approve FMLA leave on a provisional basis if you haven't yet provided any requested certification.

**Q. What if I'm injured on the job and am on disability leave?**

**A.** Your supervisor will designate periods of disability leave as FMLA leave if the disability leave is taken for an FMLA-qualifying reason. As above, you must be notified that the disability leave has been designated as FMLA leave.

## FMLA Leave to Care for Your New Child

**Q.** May I take FMLA leave for this purpose at any time?

**A.** FMLA leave to care for your newborn child or child newly placed for adoption or foster care must be taken within 12 months of the birth of the child or placement in your home for adoption or foster care. You must give 30 days advance notice when the need to use the leave is foreseeable.

**Q.** May I take FMLA leave before the child is born or placed with me for adoption or foster care?

**A.** Yes. FMLA leave may be taken to obtain prenatal care, for any period of incapacity due to pregnancy, or to arrange for the placement of a child with you for adoption or foster care.

**Q.** May I use FMLA leave on a reduced workweek or intermittent basis to care for a newborn or newly placed child?

**A.** Only with your supervisor's approval.

**Q.** What do I need to know about using FMLA leave to care for a newly placed foster child?

**A.** You may use FMLA leave to care for a newly placed foster child only if the child was placed in your care by or with the agreement of the State. You may be required to submit documentation to support a request for FMLA leave to care for a newly placed foster child.

## FMLA Leave and Parental Leave

**Q.** What is parental leave?

**A.** Generally, parental leave is any combination of annual leave, sick leave, personal leave days, LWOP, or compensatory time that is used to care for a newborn or newly adopted child. Parental leave must be used within 12 months of the birth of the natural child or placement of the adopted child.

**Q.** What's the relationship between parental leave and FMLA leave?

**A.** FMLA leave and parental leave usually overlap, but not always. The use of parental leave is generally considered to be FMLA leave, and the first 12 weeks of parental leave count towards the entitlement of 12 weeks of FMLA leave in a leave year, unless you've already exhausted the FMLA leave entitlement for the leave year. However, *compensatory time used as parental leave can't be counted as FMLA leave.*

## When FMLA Leave is Not Counted as Parental Leave

The following purposes are appropriate uses of FMLA leave, but are *not* counted as parental leave:

- ❑ To arrange a foster care placement or stay home with a new foster child;
- ❑ To arrange an adoption;
- ❑ To obtain prenatal care; or
- ❑ For sickness or disability associated with pregnancy, unless it is leave taken immediately prior to delivery or while awaiting delivery of the child.

FMLA leave is also not counted as parental leave under the following circumstances:

- ❑ If you've already used your parental leave entitlement (720 hours in 24 months); or
- ❑ You're eligible to use FMLA leave but aren't eligible to use parental leave because you don't have merit system status (that is, you're a probationary employee or a temporary employee).

## When Parental Leave is Not Counted as FMLA Leave

The first 12 weeks of parental leave should be designated as FMLA leave unless:

- ❑ You've already used the 12 weeks of FMLA leave in the leave year;
- ❑ The parental leave used is compensatory time; or
- ❑ You're not eligible for FMLA leave (that is, you haven't worked for the County for 12 months or you weren't in a work status for at least 1040 hours during the previous 12 months).

Remember, if the FMLA leave you use to care for a new child is not parental leave, the sick leave you may use to care for the child

is subject to the family sick leave limit (120 hours in a leave year for most full-time employees).

## FMLA Leave for a Serious Health Condition

### Q. What is a serious health condition according to the FMLA?

**A.** A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:

- ❑ **Hospital care.** Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
- ❑ **Absence plus treatment.** A period of incapacity of more than 3 consecutive calendar days. This includes any subsequent treatment or period of incapacity relating to the same condition.
- ❑ **Pregnancy.** Any period of incapacity due to pregnancy or prenatal care.
- ❑ **A chronic condition** that requires periodic visits for treatment, continues over an extended period of time, and which may cause episodic rather than a continuing period of incapacity.
- ❑ **A permanent or long-term condition** requiring supervision.
- ❑ **Multiple treatment** (non-chronic conditions). Any period of absence to receive multiple treatments by a health care provider.

Note: Treatment doesn't include routine physical examinations, eye examinations, or dental examinations.



Examples of serious health conditions include heart attack; cancer; back conditions requiring therapy or surgery; stroke; appendicitis; asthma; pneumonia; diabetes; epilepsy; Alzheimer's disease; emphysema; pregnancy and childbirth.

**Q. If I have an illness like the flu or a very bad cold and I'm unable to come to work for more than three days, is that considered a serious health condition under the FMLA?**

**A.** If you're so ill that you're unable to come to work and perform the duties of your job, that illness is considered a serious health condition and your supervisor should designate your time off from work as FMLA leave.

**Q. May I use family sick leave as FMLA leave to care for my spouse, son, daughter, or parent with a serious health condition?**

**A.** Yes, but the amount of family sick leave available is limited to the amount of sick leave you earn in a calendar year.

**Q. May I use FMLA leave to care for an adult son or daughter who has a serious injury or illness?**

**A.** You may use FMLA leave to care for an adult son or daughter who is incapable of self-care because of a physical or mental disability that substantially limits one or more of the injured or ill person's major life activities.

**Q. May I use FMLA leave on a reduced workweek or on an intermittent basis for my own or a family member's serious health condition?**

**A.** FMLA leave for a serious health condition may be taken on an intermittent or reduced work schedule if the medical need can best be accommodated through such a schedule. You must try to schedule your intermittent leave to minimize disruption to your work unit. See page 9 for more information about intermittent leave.

## Medical Certification

**Q. Do I have to provide documentation for a serious health condition -- for myself or an eligible family member?**

**A.** Your supervisor may require you to submit medical certification from a health care provider to support a request for FMLA leave for yourself or a family member. Your supervisor's initial request for medical certification must be made in writing and will advise you of the anticipated consequences of failing to provide the certification (the absence would not be protected under the FMLA). Ask your supervisor for medical certification forms.

Medical certification may be required for any of the following reasons:

- ❑ The FMLA leave exceeds 5 consecutive work days;
- ❑ You request to use annual leave as FMLA leave and the requested leave would not normally be approved under

the standards generally applied to requests for annual leave;

- ❑ Your supervisor suspects you of sick leave misuse or abuse;
- ❑ You've been placed on leave restriction and must submit medical certification for any request to use leave for medical purposes; or
- ❑ Your department's approved leave policy or the appropriate labor agreement provides for medical certification under the circumstances.

**Q. Is any additional certification necessary?**

**A.** Your supervisor may require medical re-certification of your serious health condition or the serious health condition of your family member. Such re-certification may be requested verbally, at reasonable intervals, but not more often than every 30 days unless:

- ❑ You request an extension of leave;
- ❑ Circumstances described by the original certification have changed significantly;
- ❑ Doubt is cast upon the continuing validity of the original certification; or
- ❑ You're unable to return to work after FMLA leave because of the continuation, recurrence or onset of a serious health condition.

**Q. Is there a deadline for submitting the medical certification?**

**A.** If medical certification or re-certification is required, you must provide it within 15 calendar days after your supervisor requests it. If your supervisor has reason to doubt the medical opinion as

documented by the completed medical certification, procedures for obtaining a second opinion must be followed.

**Q. What happens if I'm unable to provide the requested medical certification or re-certification?**

**A.** You'll be ineligible for FMLA leave.

## Intermittent Leave

**Q. What is intermittent leave or a reduced work schedule?**

**A.** Intermittent leave is leave that is taken intermittently, or in separate periods of time, due to a single illness or injury, rather than for one continuous period of time. Intermittent leave may include leave of periods from an hour or more to several weeks. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

A reduced workweek schedule means a work schedule that reduces the usual number of hours per workweek or hours per day. With a reduced workweek schedule, you work a regular schedule, but you work fewer hours in the work day or workweek and use FMLA leave to make up the lost hours.

**Q. May I use FMLA leave on an intermittent basis or as part of a reduced workweek schedule?**

**A.** It depends on the purpose of your leave.

**Serious Health Condition**

You may use FMLA leave on an intermittent basis or as part of a reduced workweek schedule when it is medically necessary to accommodate your serious health condition or the serious health condition of your eligible family member.

**Care of New Child**

In the case of care for your newborn child or a child newly placed with you for adoption or foster care, you may use FMLA leave intermittently or as part of a reduced workweek *only with your supervisor's approval.*

*Note that if you've been granted intermittent leave or a reduced work schedule, your supervisor may temporarily transfer you to another position with equivalent pay and benefits, normally within the same department, to accommodate the intermittent leave or reduced work schedule.*

**Q. How is the FMLA leave entitlement determined for intermittent leave?**

**A.** If FMLA leave is taken intermittently, it is calculated on a proportional basis based on the number of hours in your normal workweek. Eligible full-time employees (40 hours per week) are entitled to use 480 hours of FMLA leave per leave year (12 x 40); firefighters working 48

hours per week are entitled to use 576 hours of FMLA leave per leave year. Eligible part-time employees who work 20 hours per week are entitled to use a total of 240 hours of FMLA leave in the leave year. The entitlement for an employee who works variable hours is based on the average of the 12 workweeks prior to the start of the FMLA leave.

**Q. May employees who are exempt from coverage under the Fair Labor Standards Act take FMLA leave in amounts less than one full day?**

**A.** Yes. Exempt status will not be affected by FMLA leave of less than one day.

**Paid Leave as FMLA Leave**

**Q. What types of paid leave can be used as FMLA leave?**

**A.** The types of paid leave that can be used as FMLA leave may depend on the reason for the leave.

**Annual leave, personal leave days, and LWOP** may be used as FMLA leave regardless of the purpose of the leave.

**Sick leave** may be used as FMLA leave for your own prenatal care, in the case of your own serious health condition, or as part of parental leave.

**Family sick leave** (a limited amount of your sick leave) may be used to care for the following family members with a serious health condition: your spouse, parent, minor son or daughter, or adult son or daughter incapable of self-care. The amount of family sick leave that may be used to care for an eligible family member is limited to the amount of sick leave you earn in a leave year (120 hours for most full-time employees who work 40 hours per week). The Chief Administrative Officer or designee may waive this limitation for good cause.

**Parental leave** is any combination of annual leave, sick leave, personal leave days, LWOP, or compensatory time that is used to care for a newborn or newly adopted child. Parental leave must be used within 12 months of the birth of the natural child or placement of the adopted child. The first 12 weeks of parental leave are considered FMLA leave, except that compensatory time used as parental leave is not counted as FMLA leave. The limitation on the use of family sick leave does not apply to parental leave.

Remember, parental leave may *not* be used to care for a foster child or legal ward. See page 6 for more information about the relationship between FMLA leave and parental leave. See page 17 for more information about family sick leave, parental leave, and FMLA leave.

**Q. What about sick leave donations from co-workers?**

**A.** Sick leave donations may be used as FMLA leave only in the case of your own serious health condition.

**Q. What about compensatory time?**

**A.** Compensatory time may not be used as FMLA leave.

## Appropriate Uses of Leave For FMLA Purposes

<b>FMLA Reason</b>	<b>Appropriate Leave Type for FMLA Leave</b>
For your pre-natal care	Annual leave LWOP Personal leave days Sick leave
For the birth and care of your newborn child or the care of your newly adopted child	Annual leave LWOP Personal leave days Parental leave (any combination of annual leave, sick leave, LWOP, personal leave days, and compensatory time)  Note: compensatory time used as parental leave may not be counted as FMLA leave
To arrange for adoption or foster care placement of a child with you	Annual leave LWOP Personal leave days
Care for a newly placed foster child	Annual leave LWOP Personal leave days Family sick leave (with limitation)
Care for a spouse, parent, minor son or daughter, adult son or daughter with a serious health condition	Annual leave LWOP Personal leave days Family sick leave (with limitation)
Your own serious health condition	Annual leave LWOP Personal leave days Sick leave Disability leave Sick leave donations

## Leave Without Pay (LWOP) as FMLA Leave

**Q. Must I exhaust all my paid leave before requesting LWOP as FMLA leave?**

**A.** No. You may request LWOP even if you have unused annual or sick leave balances or compensatory time.

**Q. If I take extended LWOP as FMLA leave, do I have to give up rights to my position?**

**A.** Use of LWOP as FMLA leave doesn't require waiver of reinstatement rights to your position. On your return to work after FMLA leave, you must be reinstated to the same job or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. (See page 14.)

However, if you don't return to work after 12 weeks of FMLA leave, and if you remain on LWOP for more than 90 additional days (beyond the expiration of FMLA leave), you may be asked to waive reinstatement rights to your position. This would not apply, however, if the additional days of LWOP were being taken as parental leave.

**Q. How much notice do I need to provide to take LWOP as FMLA leave?**

**A.** You'll need to provide advance written notice of the intent to use FMLA LWOP when the need to use this leave is

foreseeable. In general, you must provide as much notice as possible.

## Benefits

**Q. What happens to my health benefits if I'm on FMLA leave?**

**A.** While you're on FMLA leave, your health and life insurance benefits must be continued on the same terms and conditions as for active employees. That means that you'll be expected to continue to pay your share of your insurance premium. However, if you're on FMLA LWOP, you may elect *not* to continue health insurance coverage and *not* to pay your share of the insurance premium while you're on leave.

If you're on FMLA LWOP for more than 10 consecutive working days, your department will submit a Personnel Action Form (PAF) indicating the appropriate reason code for the LWOP. When your LWOP PAF is received by OHR, OHR will bill you for your share of your insurance and you'll be expected to pay your share of the insurance premium monthly. If you don't pay your portion of the premium while on FMLA leave, health insurance coverage will be continued, and on your return to work, appropriate bi-weekly deductions will resume, and you'll be expected to repay the County for your share of the premiums for the LWOP period. (Collective bargaining agreements allow an employee to pay back the employee's share over six pay periods upon return to a pay status).

If you don't return to work, the County may recover the portion of the premiums that you owed for group health care coverage during

the FMLA leave period unless your failure to return to work is due to circumstances beyond your control, such as your own serious health condition or the sudden and unexpected illness of a family member.

The FMLA does not require that non-health benefits be maintained while you are on FMLA leave, but such benefits must be reinstated upon your return to work.

**Q. Are periods of FMLA LWOP credited toward my retirement?**

**A.** If you're a member of the ERS, and on authorized LWOP because of your own serious health condition, you have the opportunity to receive credited service for up to one year of such an absence. In order to receive the credited service, you must pay both your contributions and the County's contributions to the ERS during the period of time that you are on LWOP for your serious health condition. It is therefore important that you contact a Specialist on the Benefits Team as soon as you are put on LWOP, in order to take advantage of this opportunity.

However, taking unpaid leave as FMLA leave doesn't constitute a break in service for vesting purposes.

## Compensation

**Q. Will I receive cost of living adjustments or other pay increases while on FMLA leave?**

**A.** You're eligible for any unconditional pay increase that occurs while you're on FMLA leave (such as cost of living increases). However, your service increment may be denied if you're absent from duty (other than on certain types of paid or unpaid leave) for fifty percent or more of the rating period. If the absence for fifty percent or more of the rating period is due to a service connected injury or illness (as determined by Workers' Compensation laws), the increment will not be denied if your performance was satisfactory in the preceding rating period.

Proficiency advancement, granting of merit status, or granting of permanent status in a promoted position may be delayed by a period of **unpaid** FMLA leave, in accordance with appropriate regulations. Your service increment will also be delayed if you're on LWOP for 10 or more consecutive work days, unless the LWOP is for parental leave.

## Seniority

**Q. Is seniority affected by FMLA leave?**

**A.** No. You retain the seniority earned prior to paid or unpaid FMLA leave, and you continue to accrue seniority during the entire period of FMLA leave.

## Return to Work

**Q. Are there any special procedures for returning to work after FMLA leave?**

**A.** You return to work as from any other type of leave, except that if you were absent more than 15 calendar days for your own serious health condition, you'll need to obtain clearance to return to work from your health care provider. The certification is only for the serious health condition that caused the need for FMLA leave, and the certification need only state that you're able to return to work.

If your health care provider indicates that you can't return to full duty and you want to return to work, you'll need to be evaluated by the OMS Medical Examiner for light duty. However, you're not required to accept a light duty assignment if you haven't exhausted your FMLA leave.

If, after your return to work, there's any question about your fitness for duty, you may need to have a fitness for duty medical examination by the County's Medical Examiner.

**Q. Do I return to the same position I had before I went on leave?**

**A.** If you're on approved FMLA leave, on your return to work you must be reinstated to the same job or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. To be an *equivalent* position, the position must:

- ❑ Provide equivalent pay and benefits;
- ❑ Have substantially similar duties,

conditions, responsibilities, privileges and status; and

- ❑ Be at the same or geographically proximate work site, with the same or equivalent work schedule.

**Q. What happens if I'm not able to return to the same job because of medical restrictions?**

**A.** If you're unable to perform your job, the OMS Disability Program Manager will try to find you another job for which you're qualified.

**Q. What if the requirements for my job changed while I was out on FMLA leave?**

**A.** If, as a result of FMLA leave, you missed an opportunity to take a training course or participate in testing or other skills evaluation, your department must give you a reasonable opportunity to do so once you return to work.

## Timesheet

**Q. How is FMLA leave recorded on the timesheet?**

**A.** Leave used for FMLA purposes is recorded as FMLA leave and, as applicable, is simultaneously recorded as annual leave, sick leave, family sick leave, personal leave, disability leave, or leave without pay. See the attached timesheet instructions and examples beginning on page 18.



Your supervisor will track your FMLA leave use through leave reports, so that the annual FMLA leave allowance is not exceeded.

## **Additional Information**

For additional information about FMLA leave, contact the Labor/Employee Relations Team at 240-777-5114.

## Family Sick Leave, Parental Leave, and FMLA Leave

	<b>Family Sick Leave</b>	<b>Parental Leave</b>	<b>FMLA Leave</b>
<b>Time Available</b>	120 hours per leave year for a full-time employee who works 40 hours a week.	720 hours per 24-month period for a full-time employee who works 40 hours a week (prorated for employees who work more or less than 40 hours a week).	12 weeks per calendar year.
<b>Types of Leave That Can Be Used</b>	Sick leave.	Sick leave, annual leave, leave without pay, personal leave days, compensatory time.	Sick leave, family sick leave (subject to limitations), annual leave, personal leave days, leave without pay, disability leave (for an approved disability).
<b>Reasons to Use This Leave</b>	For illness; injury; medical quarantine; medical, dental, or optical examinations and treatments for the employee or members of the immediate family or for the purpose of attending to the immediate family at the time of birth or adoption of a child.	To care for a newborn or newly adopted child of the employee. Parental leave must be used within 12 months of the birth or adoption.  Note: Parental leave may not be used to care for a foster child newly placed with the employee.	To care for a newborn or newly adopted child or a foster child newly placed with the employee; for pre-natal care; to care for a family member with a serious health condition; or for the employee's own serious health condition.
<b>Who Tracks the Leave</b>	Payroll	Employee's supervisor.	Employee's supervisor; Payroll.
<b>Timesheet Code</b>	FSL	Codes for leave types used: SKL, ANL, LWO, PER, CPL	Enter codes for SKL, FSL, ANL, PER, LWO or DAL and also as FMA. (FMA is a tracking code only.)
<b>Additional Information</b>		For a full-time employee who works 80 hours in a pay period, the first 480 hours of parental leave (other than compensatory time) are deducted from the FMLA leave entitlement.	Even if all parental leave has been used, an employee may continue to use any remaining FMLA leave allowed for the year to care for a new child within 12 months of the birth or placement of the child.



