

Family and Medical Leave Act (FMLA)

FMLA is a federal law designed to balance the needs of employers and employees in circumstances when employees must take medical leave for serious medical conditions.

FMLA gives eligible employees the right to take up to 12 weeks of job-protected leave (or up to 26 weeks in the case of military caregiver leave) with continued benefits for immediate family or medical reasons.

Employees are entitled to leave under FMLA in the following circumstances:

- Birth of a child or to care for a newborn child;
- Adoption or foster placement of a child with the employee;
- To care for the employee's spouse, child, or parent(s), if that individual suffers from a serious health condition;
- The employee's own serious health condition which prevents the employee from performing his/her job functions;
- Any qualifying exigency arising from the fact that the employee's family member is a covered service member and is on covered active duty;
- To care for a covered family member who is a covered service member and who suffers from a serious injury or illness incurred in the line of duty on active duty.

Employees are eligible if they:

- work at a qualifying site (any APS worksite)
- have been employed continuously for at least 12 months
- worked at least 1250 hours during the 12 month period immediately prior to requesting leave

Period of Leave entitlement is limited to a total of 12 work weeks during any 12-month period, except in the case of leave to care for a covered military service member with serious injury or illness.

Employees are required to:

- Use any accrued paid leave (sick, personal and annual leave) until exhausted; then leave becomes unpaid.
- Provide notice 30 days in advance if the need for leave is foreseeable.
- Make reasonable effort to schedule planned treatment to avoid disruption of the worksite.
- Comply with appropriate personnel policies and practices of the district while on approved leave.
- Provide payment for benefits while on leave without pay.
- Provide medical certification/release from health care provider on the day of return to work, if leave was a result of the employee's health.

Employees who exhaust FMLA leave
and may be unable to return to duty

Americans with Disabilities Act (ADA)

***If an employee believes he/she cannot return to work
and/or needs a reasonable accommodation under
the Americans with Disabilities Act (ADA) due to a
disability, that employee should contact
HR Employee Relations at 404-802-2345
as soon as possible.***

***This contact should be made well in advance of
the employee's scheduled date to return to work.***

Employees who exhaust FMLA leave and may be unable to return to duty

Under Board Policy GARH-R(2), “Employees on approved leave who fail to respond to written communication from the district regarding leave status or who fail to return at the specified time following an approved leave of absence shall be considered to have abandoned their positions, and such abandonments shall be considered voluntary resignations of employment.”

HR Absence Management administers FMLA in accordance with **Board Policy**. Employees and supervisors are encouraged to contact them regarding application of this regulation.

Supervisors are required to:

- Ensure employees have Employee Handbook and knowledge of the Family & Medical Leave Act.
- Ensure that all absences (paid or unpaid) are reported to the Payroll Department (through Kronos timekeeping) in a timely manner. Absences exceeding 3 consecutive workdays shall be reported to Payroll as unauthorized absences until physician's certification or approval of FMLA leave is received.
- Work with the employee to ensure that plan for scheduled treatment is minimally disruptive to the worksite. Provide notice 30 days in advance if the need for leave is foreseeable.
- Document employee's non-compliance with District policies and procedures. For example, notification requirements and scheduling requirements regarding disruption for leave that is foreseeable.
- Communicate with HR Absence Management when there are questions or concerns regarding compliance with policies and procedures.
- Ensure that medical certification/release from health care provider has been received BEFORE employees return to duty.
- Implement District policies and procedures consistently.

Steps for Requesting leave of absence under Family & Medical Leave Act

1. Notify your immediate supervisor that you may have a qualifying event and that you are preparing to request a leave of absence.
2. Review the information and Board Policies regarding leave on the District's website and obtain the appropriate forms on the HR Absence Management site in MyAPS.
3. Complete and submit the following forms 30 days prior to the start of leave requested. If leave is unforeseeable, submit as soon as possible.
 - a) "Atlanta Public Schools Request for Leave of Absence for Family & Medical Leave" Form. Ensure that the form is complete.
 - b) Submit one of the following forms. The qualifying event determines which form is applicable and should be submitted.
 - i. Certification of Health Care Provider for Employee's Serious Health Condition (Family & Medical Leave Act) – Form WH-380E, or the
 - ii. Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act) – Form WH-380F.
4. HR Absence Management will respond to leave requests by USPS mail and email. This response will be an approval, a denial or a communication informing that the request is incomplete.

Ensure that the form is complete including requested signatures.

Additional information for requesting leave of absence under FMLA

1. If notification is received that the leave request documentation is incomplete instructions of how to complete it will be provided. Seven calendar days will be allowed to make leave requests complete. If leave request remains incomplete after seven calendar days, notification will be sent via USPS mail and email that the request is denied.
2. If leave is approved the start date will be provided in the approval correspondence (item #1 above). The employee is required to notify their immediate supervisor of leave approval, provide adequate notice to supervisor and follow standard operating procedures regarding absences.
3. Absences of more than 3 consecutive days will be treated as unauthorized absences and unpaid until approval of FMLA is received.
4. If intermittent leave is approved the employee should work with their supervisor to schedule leave/absences in a manner so as not to disrupt the worksite. Periodic recertification of intermittent leave may be requested.
5. Special provisions are made in FMLA for instructional employees approved for leave of absence. These special provisions could affect instructional employees with approved intermittent leave if leave occurs for more than 20% of the total number of working days during the prescribed leave period, and if leave occurs near the end of the semester.

(continued on next page)

Additional information for requesting leave of absence under FMLA (continued)

6. The Absence Management office will communicate as much as possible to remind employees of pertinent information, timelines, deadlines, etc., but the responsibility of timely submissions, etc. remains the responsibility of the employee.
7. The employee must notify their supervisor of the scheduled date to return to work.
8. A physician's certificate/release or fitness for duty form must be prepared by the employee's physician and presented to the supervisor before the employee can return to duty.
9. A Supervisor's Verification Return to Work Form must be signed by the supervisor or his/her designee on the first day the employee returns to work and sent to HR Absence Management.
10. If the employee has incurred 20 days or more of leave without pay their salary will be recalculated.
11. If an employee has exhausted all entitlement under FMLA and is unable to return to work or needs an accommodation under the American Disabilities Act(ADA) due to a disability, the employee should contact HR Employee Relations at 404-802-2345.