

FAQ | FMLA LEAVE



Am I eligible for FMLA leave?

If you meet the following requirements, you would be eligible:

1. Has been employed by Grand Forks County for at least 12 months; and
2. Has worked at least 1,250 hours during the 12-month period immediately preceding the start of the FMLA leave.

What does “job protected leave” mean to me?

FMLA protection includes:

- Commitment of the employer to restore the employee to the same or equivalent job upon returning from a FMLA qualifying leave.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Cannot be retaliated for applying or using FMLA leave.

I was recently rehired with the County following a break in service, am I able to count my prior County employment to show that I have “been employed by the County for at least 12 months?”

Yes, as long as the break in service does not exceed 7 years, except if the 7 or more year break in service was due to National Guard or Reserve military service obligations.

What is the maximum leave time allowed under an FMLA leave?

An employee has a total of 12-unpaid weeks for all FMLA leave in a 12-month rolling calendar; however, an employee may have a total of 26-unpaid weeks in a single 12-month period if the FMLA leave is to act as a caregiver for a military family member.

Who qualifies for Shared Leave?

Employees who regularly work an average of at least 20 or more hours per week and earn paid time off, such as vacation leave and sick leave and have been continuously employed by the County for six (6) months are eligible to request shared leave:

- You have, or are caring for a family member who has, a serious, extreme, or life-threatening illness, injury which makes you unable to work.
- Have not received more than 160 hours of donated leave in the past 12 months.

Is FMLA a paid or unpaid leave?

The FMLA leave itself is unpaid, and any used paid leave runs concurrently with the FMLA leave. When paid time is used during a FMLA leave, the periods of paid time and unpaid time all count towards the 12-weeks of leave entitled under the FMLA.

Am I required to use my accrued paid time off during FMLA leave?

As the policy states, the County requires employees to use, concurrently, available paid leave – sick, vacation, compensatory, personal holidays, wellness hours, pursuant to the applicable leave policies.

Why do I report FMLA leave if I have enough sick or vacation leave to cover my absences?

The Family and Medical Leave Act and Grand Forks County policy require that leave qualifying under FMLA to be reported and tracked as FMLA leave regardless of the sources of compensation.

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

While on FMLA leave, you may choose to retain or terminate any or all of your current group coverage. If you choose to retain coverage, you must continue to pay the employee portion of the applicable premium(s), either by payroll deductions from using accrued paid time off or by submitting a payment either in person or by mail.

Can an employee be placed on FMLA leave if the employee fails to request the leave?

Yes, the supervisor should notify Human Resources when an employee meets the eligibility requirements and have qualifying circumstances.

Can an employee request sick leave or vacation for a serious health condition or to bond and/or care for a new baby and NOT count this toward the 12-week FMLA period?

No, if the employee meets the eligibility criteria for FMLA leave and the leave is for a FMLA-qualifying reason, then it is designated as and counted as FMLA leave.

How is FMLA usage counted during holiday weeks?

A holiday during a full week of FMLA leave has no effect; the week is still counted as one week of FMLA leave. If an employee works any part of a workweek during which a holiday falls, the holiday does not count as FMLA leave, unless the employee was scheduled to work on the holiday.

Does Workers' Compensation leave run concurrently with FMLA leave?

Yes.

I am receiving Workers' Compensation. Do I still request and report FMLA leave?

Yes, if the reason for your absence/leave qualifies for FMLA leave, such as for your own serious health condition.

May I take FMLA leave prior to the birth of my child?

Yes, pregnancy is considered to be a serious health condition and an eligible employee may take FMLA leave due to any period of incapacity due to pregnancy, or for prenatal care; a spouse may also take FMLA leave due to this serious health condition.

May I take FMLA leave prior to the placement of a child with me for adoption or foster care?

Yes, if an absence from work is required for the placement to proceed, including for legal proceedings, counseling or travel to complete the adoption or foster care.

For the birth or placement of a child where both spouses are employed with the County, how much FMLA leave are the parents entitled to?

Since both spouses are employees of the same employer, the total between the two parents will not exceed 12 weeks of FMLA leave.

I was approved for intermittent FMLA leave for my own serious medical condition. Do I have to provide a doctor's note each time I am going to be out due to my medical condition?

No, if your intermittent absences are consistent with FMLA leave certification forms you submitted, then all absences for the same FMLA qualifying leave reason are considered a single leave reason and would not require a note each time you are absent. As a reminder, you are expected to meet the normal absence notification procedures.

I was approved for intermittent FMLA leave. Do I have to call and notify my supervisor that I am going to be absent for reasons that are protected under my FMLA leave?

Yes. You must call each time that you are absent and follow your department-specific notification procedures. In general, notification from friends and family members are not acceptable. To ensure that your manager/supervisor is properly and timely notified, please do not leave a message with Human Resources.

How do I report my absence?

You are responsible for reporting your time either in Kronos or on the absence record or based on your department-specific procedures.

How do you calculate intermittent leave?

To track intermittent leave, hours must be counted. As an example, an employee who is scheduled to work an average of 40 hours per week is entitled to the hour equivalent of 12 weeks at 40 hours per week, which equals 480 hours.

I would rather not apply for FMLA leave now and instead save it for a later time when I may really need it. Am I allowed?

If you are an eligible employee, and you are taking leave for a FMLA leave qualifying reason, then you must take FMLA for the current leave request. If you need additional leave at a later date, your eligibility and FMLA leave balance will be reviewed at that time. If your FMLA leave entitlement is exhausted, you may contact Human Resources to discuss if other leave options are available.

Am I suppose to use FMLA leave every time I don't feel well enough to work?

Unless complications arise, the common cold or flu, earaches, upset stomach, minor ulcers, headaches other than migraine, are not serious health conditions for purposes of FMLA leave.

Do I have to use FMLA leave if I am absent three or more days?

If the reason for the absence is a qualifying FMLA reason, then you will need to apply for FMLA leave, regardless of the amount of time missed. Please consult with Human Resources.

Should I use FMLA leave if I have unscheduled time off from work for a few minutes or a few hours at a time because of a medical condition?

The definition of a serious health condition includes medical conditions which may only require you to take leave on an intermittent basis, such as a chronic health condition, which may be episodic rather than scheduled or predictable.

Do I need a doctor's note to return to work from my FMLA leave?

If the FMLA leave was due to an employee's own serious health condition, a Return-to-Work Certification is required prior to you returning to work.

What happens if I exhaust all FMLA leave and I am still unable to return to work?

Although you may have available sick or vacation leave, you will need to inform Human Resources of your inability to return to work at the end of your FMLA leave. You may apply for other non FMLA leaves; however, approval of other leaves is at the discretion of your department head and Human Resources. An employee who requires reasonable accommodation for a disability under the Americans with Disabilities Act (ADA), including any extension of leave following a FMLA leave, should make a request for reasonable accommodation with Human Resources as soon as you believe such an accommodation may be required.

Is the information on my health care certification form confidential?

Yes. Grand Forks County will keep confidential all information relating to request for FMLA leave. This information will be used only to make decisions in regard to the provisions of the FMLA policy. Human Resources is responsible to obtain all FMLA records and will only share information with the employee's supervisor that pertain to duration and applicable work restrictions.

If I have further questions, who should I contact?

Please contact Human Resources at (701) 780-8414 or human.resource@gfcounty.org