



# Family Medical Leave Act

## Frequently Asked Questions

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### **What is FMLA and what does it provide to Diocesan employees?**

FMLA is the Family & Medical Leave Act that provides eligible employees with up to 12 weeks of unpaid, job protected leave per year. Employers are required to maintain group health benefits as if the employee was still working. Employees are entitled to return to the same or equivalent job at the end of their leave.

FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12 month period to care for a covered service member with serious injury or illness.

### **How do I know if I qualify for FMLA?**

To be considered as an eligible employee under FMLA, the employee must have worked at their location for at least 12 months and a total of 1,250 hours within those 12 months.

### **Does vacation, sick time, or PTO count towards 1,250 hours?**

The 1,250 hours only includes hours that are actually worked for the employer. Paid leave and unpaid leave, including previous use of FMLA leave, are not included.

### **Is FMLA paid leave?**

FMLA is not paid leave. The Diocese requires employees on FMLA leave to use all and any accrued paid time off days available. An employee may not opt out of using their PTO. The use of the employee's PTO is automatically used concurrently with the start of their FMLA.

Even if the employee's leave is not categorized as FMLA, but as Administrative Leave, they are still required to use their PTO to cover any unclassified absences.

### **Will my benefits continue while I am out on FMLA?**

For eligible employees who are covered under the Diocese's benefit plan, the Diocese will continue to make its contributions toward the employee's be while the employee is on FMLA leave. In order for such coverage to continue, however, employees on FMLA leave must continue to pay their share of the premium payment after the use of their paid time off had been exhausted. The location's bookkeeper or payroll manager will bill the employee the amount owed after the use of PTO.

### **Why take FMLA?**

The Family Medical Leave Act (FMLA) offers up to 12 weeks of job protection while the employee is out for personal or familial medical reasons. An employee does not receive this type of protection while on approved administrative leave or through the use of their accrued paid time off alone.

## When and who do I notify about needing to take a leave due to a personal or family-related medical condition?

Absent extenuating circumstances, employees are to notify the Office of Human Resources (HR) and their direct supervisor at least 30 days prior to the start of their leave.

If there are extenuating circumstances or emergency leave, employees or their supervisors are to notify Human Resources as soon as possible. The employee still holds responsibility for submitting all the required paperwork.

## What are the types of FMLA leaves?

**Continuous FMLA:** This involves the employee taking leave for a full period of time as indicated on their medical certificate.

**Intermittent FMLA:** This involves the employee taking leave in separate blocks of time for a single qualifying reason. When leave is needed for a planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

**Reduce Schedule FMLA:** This involves the employees reducing their usual weekly or daily work schedule.

The type of FMLA leave an employee takes is designated by what the healthcare provider writes on the employee's medical certification forms.

## What does Qualifying Reason/Serious Health Condition mean?

Qualifying Reason is defined as the following:

- The birth of a child and bonding with the newborn child within one year of birth,
- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement,
- A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and prenatal medical care,
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy, and for prenatal medical care,
- Any qualifying exigency arises out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuous treatment by a health care provider. Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop.

## **FMLA vs. Administrative Leave**

If an employee is not eligible for FMLA, may be granted Administrative Leave at the sole discretion of the Diocese, direct supervisor, principal, and/or Pastor. To support Administrative Leave, the employee will be required to submit the WH- 380 E (Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act) to HR within 15 days of the request for Administrative Leave.

Administrative Leave requires approval in writing from the employee's direct supervisor, principal, and/or Pastor. The employee must be clear in the expectation of return and the return date must be supported with the Medical Certification (WH- 380 E or F) form submitted.

## **What's the overall process of FMLA?**

To view the FMLA flow chart, please click [here](#).

## **As an employee, what are my responsibilities when preparing for FMLA?**

- The employee must notify their direct supervisor and contact Human Resources about their FMLA leave at least 30 days before their leave is expected to start, unless there are extenuating circumstances.
- It is the employee's responsibility to ensure that their Medical Certification (WH- 380 E or F) is submitted to HR within 15 days of receiving it from HR.
- In the case of an insufficient medical certification (WH- 380 E or F), it is the employee's responsibility to contact their healthcare provider to correct the necessary issues on the form and to ensure it's submitted to HR within those 7 days.
- It is the employee's responsibility to ensure that their healthcare provider submits the Return-to-Work form to HR before they return to work.
- It is the employee's responsibility to owe back their premium insurance benefits after the use of their PTO.

## **Who to contact?**

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