

## Intermittent Family Medical Leave Act (FMLA)

FMLA permits employees to take leave intermittently, or on a reduced schedule basis, when medically necessary for their own serious health conditions or to care for certain family members with serious health conditions. FMLA covers the employee's District paid health insurance and protects the employee's job. To be eligible for FMLA you must have worked at least 1,250 hours within the previous 12 months of the request and have been employed with us for at least one year. Intermittent FMLA is unpaid unless the employee has sick/vacation days.

The employee is required to give the employer notice of his or her need for foreseeable intermittent leave, or foreseeable reduced schedule leave, at least 30 days before the leave is to begin. If treatment requires the leave to begin earlier, the employee must give notice "as practical." The burden is on the employee to make a "reasonable effort" to schedule foreseeable medical treatments (for himself or herself, or for a family member) in a manner that does not "unduly disrupt" the employer's operations.

When an employee applies for *intermittent leave for his/her own serious health condition*, the employee is required to submit a medical certification form *PBSD 2312* to their employer. If intermittent leave is for scheduled treatment, the medical certification must include the dates on which such treatment is expected and the duration of the treatment. When the employee's intermittent leave is for his/her own health condition (but not for scheduled medical treatments), the certification must state that there is a "medical necessity" for such leave and must include a statement of the expected duration of the intermittent scheduled leave.

When the employee needs to request *intermittent leave to care for a family member with a serious health condition*, the employee is required to submit medical certification form *PBSD 2313*. The family member's health care provider must state that the employee's intermittent leave is "necessary" for the care of the family member. In addition, the certification must include a statement of the expected duration and schedule of the intermittent leave.

Employees need to be aware that their attendance at work may affect their benefits. According to the District's benefits guidelines, in order to remain eligible for benefits, employees must have been in a paid status the majority of the duty days in any given month. Therefore, if an employee is in an unpaid status for more than the majority of monthly work days, he/she is in jeopardy of losing their benefits. Keep in mind that for benefits purposes only, the unpaid days do not need to be consecutive in order to have an impact on benefits. This is why it's important for employees who have a qualifying reason to apply for Intermittent FMLA .

## How to Process Intermittent FMLA Request

1. Employee submits a written request detailing the qualifying reason.
2. Employee must also submit the appropriate FMLA form (PBSD 2312 or 2313), completed by the attending physician.
3. Letter and FMLA form must be submitted to the Principal/Director.
4. School/Department faxes the request to Compensation & HR Planning, (561) 357-1145 to the attention of Annette Arriaga.
5. Once FMLA eligibility is established, the leave office will contact the school/department secretary.
6. Secretary will receive an Excel spreadsheet so that the employee's time used under FMLA can be tracked.

❖ Once intermittent leave has been approved, it is the employee's responsibility to notify their director/principal each time they will need to be out due to their approved intermittent FMLA.