Family Medical Leave Act

What is FMLA?
The Family Medical Leave Act of 1993 (FMLA) provides unpaid, job-protected leave to eligible employees, allowing up to 12 work weeks of leave for specified family and medical reasons during a 12-month period.

What types of leave qualify for Family Medical Leave (FML)?
Four types of leave available; designated as Continuous (consecutive absences) or Intermittent:
- Leave for the birth of an employee's child or the placement of an adoptive or foster child in the employee's home. Leave must be taken within 12 months of the birth or placement of the child.
- Leave to care for the employee's spouse, child or parent who has a serious health condition.
- Leave for an employee with a serious medical condition, which hinders him or her from performing essential job functions.
- Leave to care for a covered service member with a serious injury or illness. Eligible employees must be the service member's spouse, child, parent, or next of kin (military service caregiver).

Who is eligible?
To be eligible for FML, employees must have worked for HISD for at least 12 months and have worked a minimum of 1,250 hours within the past 12 months prior to the start of the leave request. Leave may be taken to care for a spouse, child or parent with a serious health condition or when the employee is unable to work because of his or her own serious health condition.

What is a serious health condition?
The most common serious health conditions that qualify for FML are:
- Conditions requiring an overnight stay in a hospital or other medical facility.
- Conditions that incapacitate an employee or family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication).
- Chronic conditions that cause occasional periods in which an employee or family member is incapacitated and requires treatment by a health care provider at least twice a year.
- Pregnancy, including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest.
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How do I request my FML?
Employees must inform Human Resources of a leave request at least 30 days before it is to begin, when
the need is foreseeable and such notice is possible. Examples of leave requiring a 30-day notice include an
expected birth, a placement for adoption or foster care, or planned medical treatment for the employee or a
family member’s serious health condition. If a 30-day notice is not possible due to lack of knowledge when
the leave will begin, a change in circumstances or a medical emergency, notice must be given to Human
Resources as soon as practicable. Principals or other campus-based administrators are not authorized to
approve FML. Only HISD Human Resources may approve. All eligible leaves will be designated as FML
even if an FML is not specifically requested by the employee (he or she may be incapacitated). Federal and
State laws require HISD, as the employer, to grant FML for all eligible leaves of absence.

Will I be paid during my FML?
FML grants the right to unpaid leave. However, pursuant to HISD Board Policy, employees are required to
use personal leave time (state sick, state, local and vacation), which is taken concurrently until the leave time
is exhausted or the FML leave ends, whichever comes first.

How are my insurance premiums paid while I am on FML?
HISD will continue to pay the employer portion of health and life insurance premiums. Employees are
responsible for their portion of insurance premiums, if any, while on leave. If HISD is unable to collect
the employee’s portion of insurance premiums from his or her paycheck, the premiums will go into arrears.
Upon his or her return from leave, HISD will deduct the total arrears from his or her paycheck. The
employee also has the option of submitting premium payments to minimize the benefit arrears while on
leave.

Does FML offer job protection?
HISD is required to reinstate employees in the same or equivalent position, with the same pay and benefits
as the position the employee held before the leave.

Do I have to take my leave all at once?
Employees can take FML as either a continuous, single block of time or intermittently, in multiple, smaller
blocks of time, if medically necessary. They can also take leave on a part-time basis if medically necessary.
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When can I use my FML again once it is exhausted?
FML is granted to the employee within the boundaries of 12 work weeks within a 12-month period. An FML period begins July 1 and ends June 30 of the following year, if all allotted 12 work weeks are used, the employee would not be eligible for additional leave until the new FML year begins. (Example: Ms. Rogers is a teacher, and she is due to give birth September 5. She requests FML and is granted 12 work weeks of leave. She returns December 10, however, she requests another FML in February. She would be denied the second FML because she exhausted her 12 work weeks from the first FML).

What if my spouse is also an HISD employee and we want to take leave at the same time?
If FML is taken for a medical leave, each employee is entitled to 12 weeks under certain circumstances. A mother can take FML for the birth of the child and the father can request care of the spouse and be granted FML. However, if FML is taken for child-bonding both employees are limited to a total of 12 weeks between them. In cases where employees have each taken six weeks of family leave, for example, each is still entitled to the remaining six weeks for medical leave.

What about the summer months if I am a 9- or 10-month employee?
The period during the summer when a school employee would not be required to report for duty is not counted against the employee’s FML entitlement. A 9- or 10-month employee who is on FML leave at the end of the school year must be provided any benefits over the summer vacation that nine- or 10-month employees would normally receive, if they had been working at the end of the school year.

Does FML cover military leave?
Military Leave is not covered under the umbrella of FML. Employees may request a military leave pursuant to HISD Board Policies for specified reasons related to certain military deployments. However, an employee may take up to 26 weeks of FML in a single 12-month period to care for a covered service member with a serious injury or illness.

How will I know if I’m eligible and approved for FML?
Once the employee has submitted the FML application, it will be reviewed for eligibility. The eligibility process begins with confirming the employee worked 12 months and 1,250 hours within the 12 months. Once the eligibility is confirmed, the employee will receive communication via email, certified letter, or both, confirming an approval or denial of the FML request.
Will I be required to provide other information for my leave to be approved?
Requesting FML requires the employee to submit a Request for Family Medical Leave form. The employee will complete page 1 of the form and submit the Certification for Healthcare Provider form to their physician for completion. If an employee submits their request to HR without the completed physician’s statement, the employee is given a 10-15 day period to submit the completed FML application. If the certification is not provided in a timely manner, the request for FML will be denied.

What do I have to do when I am ready to come back to work?
In all cases, employees must contact their supervisor and Human Resources before returning to work. They must, with the exception of Care for Family Member, provide their supervisors and Human Resources with a copy of their Fitness for Duty release five working days before returning. The Fitness for Duty release should include any necessary work restrictions or modifications.

Where do I go for more information?
Contact Human Resources at 713-556-7383 for additional information. Information and forms can be found on the HISD Employee Portal: www.houstonisd.org.

What if I am not eligible for FML?
If an FML request is denied, the next process would be to contact your HR Business Partner for additional options.

What if am enrolled in the Supplemental Sick Leave Bank?
The Supplemental Sick Leave Bank (SSLB) and Family Medical Leave (FML) are separate programs, but they can be used concurrently. The SSLB must be applied for as an FML by submitting the appropriate documentation. If approved, a member can be awarded up to 30 leave days. The SSLB program will only cover absences related to the member’s illness or condition. Days are not granted to cover care for family members.

When is an employee’s FML request approved?
Once Human Resources receives the completed FML application, the eligibility process begins with confirming the employee worked 12 months and 1,250 hours within the prior 12 months. Once eligibility is confirmed, the certification for healthcare is reviewed. If all documents are in order, FML (Continuous or Intermittent) is approved.
What is the notification process for when a FML request is approved?
The FML request (page 1) is completed by the employee. The request allows the employee to designate the
FML reason (Self/Birth/Care of Family Member), type (Continuous/Intermittent) and duration (estimated
start/return), and select their communication status preference (email/certified letter/both).

I have an employee who was injured on the job and will be out for more than
three days. What forms should he/she complete?
With on-the-job injuries, you must complete the Worker’s Compensation forms and submit accordingly. If
placed on Worker’s Comp, FML will run concurrently.