



Eastern North Carolina School for the Deaf

FMLA Procedure for Management & Staff

The Family and Medical Leave Act (FMLA) entitles eligible employees to take paid or unpaid, job protected leave for specified family and medical reasons.

Direct Student contact staff/positions (listed below) who are subject to ESDB Oper 4004, and who miss up to 3 consecutive days of work due to illness, should be instructed to contact HR for FMLA guidance.

Occupational Therapist
Audiologist
Behavioral Programming Technician
School Principal
Community Employment Program Specialist
Professional Nurse
Psychologist (Staff/School)
Educational Development Asst
Deaf-Blind Intervenor
Residential Life Director

Guidance Counselor
Social Worker
Lead Teacher
Speech & Language Pathologist
School Librarian
Residential Life Coordinator
Licensed Practical Nurse
Residential Life Trainer
Nurse Supervisor
Teacher/Vocational Teacher

Employees who are not in a Direct Student Contact position and who have missed 5 consecutive days of work due to illness, should be referred to HR for FMLA guidance.

Procedure:

Step 1: If the above is applicable, Direct Student Contact Staff should be referred to HR by their Supervisor after (3) days of being out of work due to illness, and non-direct student contact staff should be referred to HR by their Supervisor after (5) days.

Step 2: Employee is given FMLA paperwork along with a copy of their job description by HR. This is to be submitted to their treating physician to be completed and returned to HR within 15 calendar days. Staff also receive a copy of the FMLA Policy and Employee Rights for their informational purposes.

Step 3: A Provisional FMLA approval letter is sent via email upon receipt of a completed FMLA application to the staff member. The supervisor is provided a copy. The approval letter states FMLA is provisionally approved pending receipt of certified medical documents and reiterates the 15-day deadline. Failure for the paperwork to be returned within the 15-day window, will result in an FMLA denial, and can adversely affect employment/absences not covered under FMLA.

Step 4: Once HR receives medical certification paperwork, it is reviewed for FML eligibility, and an approval/denial letter is sent via email to the staff member and their direct supervisor.

FML Definitions

Intermittent FMLA: When an employee uses their 12 weeks/480 hours of paid or unpaid leave off and on. Includes parameters for absences, i.e., frequency, time, and the duration. Staff are instructed to always send HR email communications when intermittent FMLA is used. This is for tracking purposes.

Re-certifications of Intermittent FMLA are to be completed every 6 months. Staff are given the 6-month renewal date in their approval letter, and it is the sole responsibility of the FMLA recipient to re-certify their intermittent FMLA.

Continuous FMLA: When an employee uses their 12 weeks of paid or unpaid leave and the leave is not broken by periods of work time. Includes a start date, and a return-to-work date. Before staff can return to work, they must provide documentation from their doctor clearing them to return (Refer to the ENCSD Return to Work Procedure.) HR completes time entry for staff while out on a Continuous Family Medical Leave of Absence.

Eligibility:

Full-time (permanent, probationary, time-limited, or part time) – Has 12 months cumulative service with State Government and has been in pay status at least 1040 hours during the previous 12 months.

State Government is considered a single employer. **State service does not include service with SPA local government agencies, public schools, or community colleges.**

Entitlement:

An eligible employee is entitled to a total of 12 workweeks, paid or unpaid, leave during any 12-month period.

In some instances, there may be a need for more than one case of FMLA within a 12-month period. In such cases, there is only an allotment of 480 hours total for multiple cases of FMLA within the plan year.

Family Member:

Parent: a biological, adoptive, step or foster father or more or an individual who stood in loco parentis.

Loco parentis: a person who is in the position or place of a parent and was when the employee was a child.

Child: a son or daughter who is

- Under 18 years of age, or 18 years or older and incapable of self-care because of a mental or physical disability.
- And who is a biological, adopted, foster, stepchild, legal ward, or a child of an employee standing in loco parentis.

Spouse: a husband or wife recognized under state law for purposes of marriage.

Responsibilities:

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt business operations. Employees should refer to the Employee Rights and Responsibilities Under the Family Medical Leave Act hand-out for details.

When on an approved intermittent FML, employees are required to track all related absences by documenting as follows:

Step 1: Place a note on the FIORI time entry to identify the absence as FML related.

Step 2: Send an email notification to the ENCSD HR Office and the supervisor when FML related absences occur. The email should include all FML related absence dates and time taken.

Supervisors are responsible for understanding and complying with FMLA related laws, leave policies, recognizing when an employee's absence may fall under FMLA, planning for coverage of the employee's job duties while the employee is absent and ensuring that the employee's FMLA usage in workday is accurately recorded and tracked for compliance.

The ENCSD HR Office will inform both the employee and the supervisor of the timing and frequency of intermittent absences, commonly referred to as leave parameters. It is the responsibility of both the employee and the supervisor to ensure that an employee's actual intermittent absences do not exceed the approved leave parameters. If intermittent absences do not match the approved leave parameters, both the employee and supervisor should contact the ENCSD HR Office for guidance.

Contact the ENCSD HR Office if you have any questions about your responsibilities or about FMLA in general.

Note: NC Law does not require employers to provide bereavement leave. However, it is the fair and consistent practice of the ENCSD to allow an employee to use up to (3) days of approved leave, sick leave, or bonus leave due to the death of an immediate family member as defined in this procedure.