

FMLA Definitions

FMLA: The Family and Medical Leave Act provides up to 12 weeks of job protected leave to eligible employees under certain circumstances, and up to 26 weeks for military caregiver leave.

Family Member: For the purposes of this policy, a family member is defined as a parent, son, daughter, or spouse of the employee; “child” includes biological, adopted, step-child, foster or legal ward son or daughter (up to age 18, except in the cases where the child is incapable of self-care because of a mental or physical disability), or the person who stands in for a parent (“in loco parentis,” meaning the employee provides daily care and financial support to the child).

Paid Leave: The use of all accrued leave is required prior to going on unpaid status. Once sick leave is exhausted, vacation and or compensatory time must be used.

Serious Health Condition: An injury, impairment or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential mental care facility, and any period of incapacity or treatment connected with the inpatient care; or
- A period of incapacity requiring absence of more than 3 consecutive calendar days that also involves continuing treatment by (or under the supervision of) a health care provider); or
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.); or
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for non-chronic conditions that likely would result in incapacity of more than 3 consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, etc. are examples of conditions that do not generally meet the definition of a Serious Health Condition.

Unpaid Disability Leave: A leave of absence where the employee has exhausted all sick time (and vacation and or comp time if applicable) and there is still a need for additional leave. Collective bargaining members should refer to their respective contracts in regards to disability leave.

Intermittent FMLA Leave: An absence taken in nonconsecutive blocks of time rather than one continuous period.

Reduced Work Schedule under FMLA: A reduction in the usual number of working hours per day or week for a period of time for reasons related to the approved FMLA.