

PROCEDURAL GUIDELINES

Pinellas County Leave Request Form:

Employee must complete Part I when leave is requested in advance.

When the leave is unexpected or the employee fails to complete the leave form, the supervisor shall complete **Part I** in the employee's absence based on verbal or written information supplied on behalf of the employee. The employee's signature is not required.

The Leave Request Form should be used as the written notice of FMLA eligibility, qualification, and certification requirements. The supervisor must complete **Part II** (response) indicating FMLA eligibility and all relevant requirements.

Eligibility:

The employer should notify the employee of eligibility within 5 business days of the request for FMLA leave. To be eligible an employee must have been employed by the County for at least 12 months (does not have to be consecutively) and have worked at least 1,250 hours during the twelve (12) months immediately preceding the commencement of the leave. If ineligible, the employer should inform the employee of at least one reason why, i.e. either the employee has not been employed for 12 months or the employee has not worked 1,250 hours.

Qualification: A provisional designation of whether the leave qualifies for FMLA leave may be made pending receipt of medical certification or other information. The employee has up to 15 calendar days from the employer's request to provide the requested information. Pending designations should be readdressed by the supervisor after the requested information is received or the time for submitting it is past.

A copy of the leave request must be given to the employee within 5 business days. This should be mailed to the address of record if leave has begun.

Certification:

Medical certification will be required for all unpaid leave and all intermittent leave or leave on a reduced leave schedule necessitated by **chronic illnesses** or for servicemember family leave.

It is the employer's responsibility to request certification if required.

It is the employee's responsibility to obtain any necessary certifications and to be sure they meet the requirements set forth in the law and this policy. Certification may be requested for each leave episode, with the exception of intermittent leave related to the

same condition. After the initial certification, the Appointing Authority may only request recertification once every 6 months unless something in the leave pattern has changed, and only at the time of a leave request, or an absence related to the condition.

Medical information used for certification will be held confidential.

A military certification establishing an entitlement to qualified exigency leave shall be required for all qualifying exigency leave whether paid or unpaid. A certification establishing that a servicemember's condition satisfies the requirements establishing an entitlement to servicemember family leave shall be required for all servicemember family leave, whether paid or unpaid.

Whenever practical, the FMLA certification form should be used. For qualifying exigency leave, the form specified by the Secretary of Labor should be used. It is the employee's responsibility to ensure completion of all supporting documentation submitted.

For sudden, unforeseen absences, or ones of relatively short duration initial certification may be supplied by a doctor's note providing the required information is available to support a "serious medical condition" as defined in this policy.

Incomplete and/or inadequate information may delay the approval of leave as FMLA until such information is received; or, if appropriate information or documentation is not received, result in denial of leave. Where the medical certification appears to indicate an illness episode that is not covered under this policy, leave may be granted in accordance with applicable Personnel Rules and departmental guidelines at the discretion of the Appointing Authority.

QUESTIONS AND ANSWERS ON FMLA

Does the law guarantee paid time off?

No. The FMLA guarantees only unpaid leave but gives employees and employers the right to substitute paid leave.

How much unpaid and/or paid leave am I entitled to?

If you are an "eligible" employee, a maximum total of 12 weeks per calendar year, whether paid or unpaid, can be designated as FMLA leave. If your regular work schedule is 40 hours per week and your leave is taken in increments of less than one week, hours will be used to calculate amount used and you would have 480 hours per calendar year (40 times 12). If your regular schedule is less than 40 hours per week your leave will be prorated. You are still entitled to 12 weeks but the total hours will be adjusted.

If leave is for servicemember family leave, subject to limitations in the law and herein, a maximum combined total of 26 weeks in any one 12-month period can be designated as FMLA.

What is the smallest amount of time I can count towards my FMLA entitlement?

Your leave can be tracked in the shortest period of leave that the employer uses to account for other forms of leave.

Who is an "eligible" employee for FMLA leave?

- You must have worked for the County for at least 12 months (not necessarily consecutive) prior to the date on which your leave begins.
- You must have worked at least 1,250 hours in the 12 months prior to the date your leave begins. For the purpose of this "hourly" requirement exempt employees need only to have worked for 12 months prior to the beginning of the leave.
- You must not have exhausted the annual 12 week entitlement, or the 26-week servicemember family leave entitlement.

For whom may I utilize FMLA time?

You may use FMLA for yourself, or for a spouse, son, daughter, or parent. In the case of servicemember family leave only, you may also use it for your next of kin.

What are some examples of conditions that would *not* qualify as "serious health conditions" for FMLA?

Illnesses and injuries which tend to be self limiting, of relatively short duration, and/or do not require continuing treatment or medical supervision such as colds, laryngitis, flu, upset stomach, sprains, dental procedures (unless oral surgery for cancer or after an accident) and voluntary or cosmetic treatment such as acne or braces are not considered to be qualifying conditions.

Is an EAP related leave considered FMLA?

In cases where all FMLA qualifications are met, it may be. However absences for "stress" treated by an EAP counselor without an underlying serious medical condition or psychiatric diagnosis would not qualify and therefore not count against your FMLA entitlement.

Can I have FMLA to stay home with my sick child?

In most cases routine childhood illnesses will not qualify as serious health conditions permitting FMLA leave.

Is there a limit to the number of times FMLA leave can be taken in one year?

No. You can take FMLA leave as many times as you have a qualifying reason. The only restriction is that the total amount of leave not exceed 12 weeks per calendar year (or 26 weeks in any one 12-month period if for servicemember family leave) .

If my absence is approved under FMLA, do I need to do anything further?

Yes. You should follow your department's procedures for reporting your absence and provide verbal reports of your status with respect to date of return to work. It is the employee's responsibility to apply for disability benefits if applicable. Contact Human Resources – Benefits for details.

What happens to my benefits if I take unpaid FMLA leave?

Pinellas County will maintain insurance coverage on the same terms it was provided before the leave. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave. For insurance benefits you pay for, such as your portion of medical & dental insurance, additional life insurance, disability insurance, and dependent insurance, you will need to make arrangements with the payroll department to pay your insurance premium during the FMLA leave period if you will be absent for longer than a calendar month and do not receive a paycheck or disability check sufficient to cover your required contributions. You may elect to suspend your dependent and voluntary coverages while on unpaid leave. When you return your coverages including FSA participation will be immediately reinstated. Likewise any voluntary coverages will be reinstated provided all premium payments have been made.