



Are you looking for the Family and Medical Leave Act form? Please contact Carolyn Wallis in Human Resources at 946-1214 or via E-mail at [carolyn.wallis@hamilton-co.org](mailto:carolyn.wallis@hamilton-co.org).

*Read below for frequently asked questions and answers.*

### ***What is the FMLA?***

The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 weeks of leave per year. The leave may be paid or unpaid depending on your accumulated vacation and sick leave balances and your reason for the leave of absence.

### ***What do you mean, "paid or unpaid"?***

When you need time off because of one of the reasons listed in the County's sick leave policy (Section 4.1), you may be paid during your time off using your accumulated sick leave balance. If you need to be off for a reason that doesn't qualify for sick leave (i.e., bonding with a child), you may be paid using your accumulated vacation and/or compensatory time balance.

Before beginning any leave on an unpaid basis, the County will require you to exhaust all *appropriate* paid leave.

### ***Who is eligible?***

You are eligible for leave if you have worked for the County for at least 12 months and for at least 1250 hours over the past 12 months.

### ***What kind of leave is allowed under the FMLA?***

You can use FMLA leave to care for a newborn, a newly adopted child, or a newly placed foster child. FMLA is also available for you to care for your parent, your child, or your spouse with a serious health condition. And, of course, the FMLA may be appropriate for time off because of your own serious health condition. Ask HR about Military Family Leave.

### ***Does the FMLA vary depending on whether or not I'm part of a bargaining unit?***

The Act itself does not vary based upon bargaining unit status. However, there are some areas up to the discretion of the employer such as the use of paid time in lieu of unpaid time, and the way the 12-month eligibility period is defined. These may have been negotiated and included in bargaining unit contracts. If you are an employee covered by a bargaining unit agreement, it is always best to consult both your contract and your employer's policies.

### ***When should I apply?***

If you need time off because of one of the reasons stated above, and you know ahead of time, you must notify your supervisor/payroll officer at least 30 days before your leave begins. If you do not know 30 days in advance of your need for leave, notify your supervisor/payroll officer as soon as possible and within one-half hour after your normal start time if leave was totally unforeseen.

## ***How does the Family and Medical Leave Act help me?***

The Family and Medical Leave Act protects your job. At the end of your leave, Hamilton County must return you to your same job or a job with similar duties and responsibilities involving equivalent skill, effort, and authority.

The Act also requires Hamilton County to make your health care benefits available to you at the same cost as when you were not on a leave of absence. This is especially helpful should any of your leave of absence be without pay.

Hamilton County must also ignore the fact that you took Family and Medical Leave when making decisions on pay raises, promotions, transfers, training opportunities, and discipline.

## ***What are these papers I received in the mail?***

When you informed your supervisor/payroll officer of your need for time off, he or she was required to notify Human Resources. Hamilton County Human Resources administers the FML program for all of the departments under the Board of County Commissioners.

Hamilton County Human Resources has mailed you a Notice of Eligibility and Rights & Responsibilities, a physician's certification, a copy of Hamilton County's FML policy, and if appropriate, a copy of your position description.

Read the documents carefully. Contact Human Resources with any questions you have.

Give your physician the medical certification form along with a copy of your position description (if your reason for being off is because of your own serious health condition). If you requested leave to care for a new child in your home or to care for your spouse or your child, give the physician's certification to the treating physician. You will not need your own position description in these cases. Your physician is welcome to mail the completed document directly to Hamilton County Human Resources in the second addressed envelope provided in your packet.

**Only original documents or documents faxed directly from the physician to HR will be accepted.**

## ***Do I have to participate?***

The County has the right to designate your leave (if it qualifies) as FML. It is in your best interest, however, to cooperate in the process to be guaranteed all of the rights that the FML provides.

## ***What does a doctor provide and who sees it?***

The physician's certification will include questions about the specific medical condition for which you are requesting time off.

The County will also need to know when the condition began, how long it will last, and whether the need for leave should be continuous, intermittent, or simply reduced working hours.

If the leave is requested because you need to care for your parent, your spouse, or your child, the physician will indicate why your presence is necessary and for how long it is necessary.

You'll notice that there is an envelope included in your packet to begin FML that is addressed to Hamilton County Human Resources. It is also stamped boldly in red "CONFIDENTIAL." This ensures your privacy in that only the FML administrator in Human Resources sees your medical documents.

The County is mainly interested in whether or not you are capable of performing any of your duties and how much time you'll need to be away from the job.

### ***What happens next?***

After all of the necessary documentation is received, Human Resources will respond to you in writing with a Designation Notice. This document will confirm that the leave is allowable under FML, what your responsibilities are during your time off and when you return, and how much, if any, FML leave time you have available for the calendar year. This response does not include any medical information so it is copied to your supervisor and your departmental payroll officer/timekeeper for their records.