



The Family and Medical Leave Act (FMLA), is a federal law that provides eligible employees entitlement to 12 workweeks of paid or unpaid leave during a consecutive 12 month period for the birth of the employee's child, the placement with the employee of a child for adoption or foster care, a qualifying serious health condition of the employee, or a serious health condition of the employee's child, spouse or parent.

The FMLA also provides for Military Family Leave:

- a) **Qualifying Exigency:** an eligible employee is entitled to up to 12 weeks for any qualifying exigency, arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- b) **Care for injured service member:** an eligible employee who is the spouse, child, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member.

An eligible employee is one who has worked for the state for a total of 12 months (not necessarily consecutively), and has worked for at least 1,250 hours during the 12 months prior to the beginning of leave, and holds a position that requires at least 1,250 hours annually. The employee's job is protected during the leave. If any of the leave is without pay, the employee's group health insurance is continued at the same cost and benefit level.

Employees are responsible for advising their supervisor when they request leave if it appears the need for leave meets the criteria of a serious health condition under the FMLA. Supervisors must inform Human Resources of an employee's notice of impending need for leave under FMLA or when an employee has been absent for three consecutive days due to illness or to care for a family member who is ill. Human Resources shall notify the employee of rights under the FMLA and provide the necessary form(s) to obtain medical information to support the employee qualifications for FMLA.

All leave used for FMLA purposes - including sick leave, vacation leave, shared leave or leave without pay - counts towards the employee's 12 work week entitlement. Employees must use all accumulated leave before using leave without pay.

Employees approved for Shared Leave are required to apply for FMLA. Approved Shared Leave and Family Medical Leave shall run concurrently.

Human Resources shall make the final FMLA determination and notify the employee in writing of the determination. For more information, refer to the official bulletin board or KDADS Intranet.

Reference: Family Medical Leave Act of 1993, 29 U.S.C. 2601, et. seq.; Fair Labor Standards Act of 1938, 29 U.S.C.A § 201 et. seq.; See generally Section 11 of the KDADS Policy and Procedure Handbook (Employee Benefits- Leave)