

Section 400 – Personnel

Family and Medical Leave

FMLA Notice of Eligibility & Rights & Responsibilities

416.01 – R2

In general, to be eligible an employee must have worked for an employer for at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. This form is to be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave.

Part A – NOTICE OF ELIGIBILITY

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

1. _____ For birth of a son or daughter, and to care for the newborn child.
2. _____ For placement with the employee of a son or daughter for the adoption or foster care.
3. _____ To care for the employee’s spouse, son, or daughter, or parent with a serious health condition.
4. _____ Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job.
5. _____ Because of a qualifying exigency arising out of the fact that the employee’s spouse, son or daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
6. _____ To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

This Notice is to inform you that you:

_____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities).

_____ Are **not** eligible for FMLA leave, because (only one reason need to be checked, although you may not be eligible for other reasons):

_____ You have not met the FMLA’s 12 month length of service requirement. As of the first date of requested leave, you will have worked approximately _____ months towards this requirement.

_____ You have not met the FMLA’s 1,250-hours worked requirement.

_____ You do not work and/or report to a site with 50 or more employees within 75 miles.

If you have any questions, contact _____ or view the FMLA poster located on the employee bulletin boards.

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Part B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12 – month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (Provide at least 15 calendar days from receipt of this notice: additional time may be required in some circumstances). If sufficient information is not provided in a timely manner, your leave may be denied.

- _____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request _____ **is** _____ **is not** enclosed.
- _____ Sufficient documentation to establish the required relationship between you and your family member.
- _____ Other information needed: _____
- _____ No additional information requested.

If your leave **does qualify** as FMLA leave you will have to the following responsibilities while on FMLA leave (only checked blanks apply):

- _____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments of your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.
- _____ You will be required to use your available paid leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement. Paid leave required to be used includes vacation and personal leave. If the reason for leave is your own serious health condition, sick leave is also required to be used during your FMLA absence.
- _____ Due to your status within the company, you are considered a “key employee” as defined in the FMLA. As a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We _____ **have** _____ **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.
- _____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____.
(Indicate interval of periodic reports, as appropriate for the particular leave situation).

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If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the first page of this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave **does qualify** as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as a “rolling” 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. If you leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.
- If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; (2) the continuation, recurrence, or onset of a covered service member’s serious injury or illness which would entitle you to FMLA leave; or (3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have paid leave (vacation and personal leave; and if the reason for leave is your own serious health condition, sick leave) run concurrently with your unpaid leave entitlement, provided you meet applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are set forth in Board policy and the employee handbook. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

Once we obtain the information from you as specified above, we will inform you, within five business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions with regard to the FMLA or with regard to requirements of the leave policy, please do not hesitate to contact: O’Neill Public Schools Administrative Office at 402-336-3775.