



FMLA frequently asked questions

What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA) is a federal law which came into effect in 1993. It requires the City of Savannah to grant its employees up to 12 weeks of FMLA job-protected leave per rolling 12-month period for specified medical reasons.

Under what circumstances can FMLA leave be requested?

FMLA leave may be requested at any time; however, this does not automatically mean the leave will be granted or that the employee is eligible for FMLA leave. The Employee Health and Wellness Coordinator must determine whether or not the leave requested falls under the protection of the Family and Medical Leave Act. The City of Savannah is required to inform the employee of FMLA rights when made aware of the condition. In addition, the department head, payroll personnel and administrative assistant will be made aware of the approval dates.

Is FMLA paid leave?

No, FMLA is unpaid leave. However, if available an employee may use their paid leave to run concurrently with their FMLA. In addition, an employee is eligible for leave donations once any available personal leave is exhausted.

How does FMLA benefit me?

The following benefits will apply if you qualify for leave under FMLA:

- 12 weeks of job-protected leave per year
- Maintenance of health care benefits
- Job restoration upon return from FMLA leave

How do I know if I am eligible for FMLA leave?

There are three requirements you must meet to be considered eligible for FMLA leave:

- You must have been employed by the City for a total of 12 months; and
- You must have worked a minimum of 1,250 hours during the 12 months prior to the first day of taking FMLA leave
- You or a family member must have a serious medical condition which meets the criteria of FMLA.

Can I choose to exhaust my own paid leave prior to beginning FMLA leave?

No, you cannot choose to exhaust your own paid leave prior to beginning FMLA leave. Your available paid leave will run concurrently with your FMLA leave.



Can I use FMLA if my illness is incurable or not likely to get better? For how long?

You may use FMLA for a certified health condition for the full 12-week period allowed. In this case, you should notify the Wellness Coordinator as soon as your illness is deemed to be incurable. Other benefits, such as short-term disability, long-term disability and disability retirement, may be available to you.

Who qualifies as "family"?

A child, spouse, or parent qualifies as "family" under FMLA guidelines.

Under what circumstances may I use FMLA leave?

FMLA leave is available to you if you are certified as having a health condition as defined under the FMLA and meet the eligibility criteria. You may also use FMLA leave if an immediate family member (spouse, child, or parent) has a health condition and needs your care.

What types of illnesses qualify for leave under FMLA? The most common serious health conditions that qualify for FMLA leave are: 1) conditions requiring an overnight stay in a hospital or other medical care facility; 2) conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than 3 consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication); 3) chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and 4) pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

If an employee is considered full-time and only works four or six hours per day as per doctor's restrictions, can the rest of the day be considered FMLA leave?

Yes, provided the reason for the shortened workday is certified as an FMLA condition.

Can I use FMLA more than once? Is the 12 weeks yearly?

All leave eligible under FMLA may be used more than once per year. It may also be used for different and separate medical conditions. In no case, however, may an employee be granted more than 12 weeks of FMLA leave in one rolling 12-month period.

How does FMLA work when an employee misses work intermittently for the same reason?

All intermittent time lost due to the same condition will be tracked as per FMLA guidelines. This lost time would be logged until the 12 weeks of FMLA time (or 480 hours for each full-time employee) are expired. All hours used need to be submitted to the Health and Wellness Coordinator on a regular basis.



What forms do I need to complete and to whom do I provide my medical documentation (physician certification) form?

You will need to complete the FMLA request form and your treating physician will need to complete the FMLA Physician Certification form located on CINC under Policy and Procedures. The physician documentation form comes directly back to the Health and Wellness Coordinator as instructed on the last page of the form. Medical documentation should never be given to the department and copies should never be made.

Can my supervisor approve or deny my FMLA request?

No, FMLA cannot be denied when the required information is submitted and falls under the guidelines for approval.

Can I use sick leave if I am approved for FMLA to care for my spouse?

No, City policy allows for sick leave use only for an employee. If an employee is out to care for a family member, they are only able to use available compensatory leave such as annual leave, extra/incentive leave, holiday leave, or comp time. In addition, an employee on approved FMLA is eligible for leave donations.

What about military caregiver leave?

The FMLA also provides certain military family leave entitlements. There are special rules to care for a covered service member with a serious injury or illness. Please contact the Employee Health and Wellness Coordinator to discuss further.

Can I discipline an employee for using FMLA?

Time off under the FMLA may not be held against an employee in employment actions such as hiring, promotions or discipline.

Do I have to request FMLA when out on WC/Injury Leave?

Injury leave will run concurrently with FMLA. The employee's department is required to mail a certified letter to the employee placing them on FMLA after 3 days of injury leave (2 shifts for uniformed firefighters) if the employee qualifies for FMLA. The completed FMLA Leave Request form and documents (physician's statement, letter to employee, etc.) should be sent to the Health & Wellness Coordinator in Human Resources and a copy to Risk Management.