

LEAVES OF ABSENCE AND DISABILITY INSURANCE FREQUENTLY ASKED QUESTIONS AND ANSWERS

The Leaves Department does not process Workers' Compensation, Administrative, Critical Shortage or Professional Sabbatical leaves.

Q: What is the process when an employee needs to take a leave of absence?

The employee should be referred to the Leaves Department at 754-321-3130. Leave information and forms are available on the Leaves Department website at www.broward.k12.fl.us/benefits/leaves.

Q: What happens after I sign and forward my employee's paperwork to the Leaves Department?

The Leaves Department reviews the employee's paperwork for completion, then approves or denies the leave request based on applicable Federal Law, Board Policy or Collective Bargaining Agreement. The Leaves Department sends notification to the employee, the employee's work location, Benefits, Employment Services (formerly Personnel Records), Talent Acquisition & Operations (Instructional) and Talent Acquisition & Operations (Non-Instructional) Departments (formerly Instructional Staffing & Non-Instructional Staffing), Budget Department and any other appropriate location. The Leaves Department performs all follow up-tasks.

Q: How long does it take to be approved for a leave?

Normally, it takes between five (5) to ten (10) business days to process a leave request; however, if additional paperwork or information is needed (e.g. from a Health Care Provider or the employee), it could take longer to receive an approval or denial.

Q: What should I do if it is taking a long time to receive a response to a request for leave?

You should contact the Leaves Department at 754-321-3130. When additional information is being requested from an employee, Board Policy and Federal Laws require that we allow a certain number of days (usually 15) to receive a response from the employee. In most cases, the Leaves Department provides Principals/Department Heads with a copy of all correspondence to the employee.

Q: Which employees are qualified to take Family/Medical Leave (FMLA)?

Employees are eligible to take up to 60 work days of leave when employed for 12 months (does not have to be consecutive) **and** have worked:

- 784 hours in the previous school year (Instructional employees)
- 784 hours in the twelve (12) month period immediately preceding the start date of leave (Education Support Professionals (ESP) employees)
- 784 hours in the twelve (12) month period immediately preceding the start date of leave (Food Service employees)
- 1,250 hours in the twelve (12) month period immediately preceding the start date of leave (all other Non-Instructional employees)

Q: Do I have to post information about FMLA?

Yes. Every employer covered by the FMLA is required to post and keep posted on its premises, in conspicuous places where employees are employed, whether or not it has any "eligible" employees, a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the act with the Wage and Hour Division. The notice must be posted prominently where employees and applicants for employment can readily see it. An employer that fails to post the required notice cannot take any adverse action against an employee, including denying FMLA leave, for failing to furnish advance notice of a need to take FMLA leave. Posters are available in English and Spanish. **Contact the Leaves Department at 754-321-3130 to request a poster.**

Q: Must FMLA leave be used all at once?

FMLA leave may be used continuously, intermittently (leave taken on an occasional basis for doctor's appointments, or leave taken several days at a time spread over a certain period), or on a reduced work schedule basis.

Q: Can a supervisor refuse to grant an employee FMLA leave?

No. The supervisor's signature on the leave application indicates that the supervisor is aware that the employee is requesting leave. It is the Leaves Department's responsibility to approve leave based on Federal/State Laws, Board Policies and/or Collective Bargaining Agreements.

Q: Can the employer refuse to grant an employee FMLA leave?

If the employee is an "eligible" employee who has met the FMLA's notice and certification requirements (and have not exhausted their FMLA leave entitlement for the current leave year), the employer may not deny FMLA leave.

Q: Where can I find more information regarding FMLA leave?

Refer to Board policy 4411; Article 23, Section S of the Broward Teachers Union contract; Article 11, Sections J & K of the Food Service contract and the Family & Medical Leave sections at www.broward.k12.fl.us/benefits/leaves or call the Leaves Department at 754-321-3130.

Q: What is my responsibility when my employee's FMLA leave ends?

The Leaves Department sends notification to the employee approximately ten (10) days prior to the end of FMLA leave. A copy of this notice is also sent to the employee's work location. When the employee physically returns to work, you should **create an I-form** to return the employee from FMLA leave. If the employee does not return on the work day following the end of FMLA leave and has not contacted you, **notify the Leaves Department immediately.**

Q: What is my responsibility when my employee's Board approved leave ends?

Employees on a Board approved leave will be sent a request for their work intentions for the new school year by the Leaves Department. Requests are sent in late January and late April depending on when the employee began the leave. If the employee elects to return to work and a position is available for the employee to return to, **the work location is responsible for creating a return to work I-form** to return the employee to work in the HR system and to ensure that the employee will receive a timely paycheck. You must have a current position to place the employee in.

Non-Instructional employees who wish to return to work but no position is available for them to return to at the start of the school year, will be placed on the layoff list by the Leaves Department and will be recalled to work by seniority to a position in their job classification when one becomes available.

Q: Where can I find more information regarding Board approved leaves?

Refer to the appropriate Board Policy on the School Board's Website and the type of leave on our website at www.broward.k12.fl.us/benefits/leaves.

Q: My employee is returning to work after receiving disability benefits, what should I do?

Instructional employees returning to work after receiving disability benefits will be placed by the Talent Acquisition & Operations (Instructional) Department if no position is available for the employee to return. If no position is available for the Non-Instructional employee to return to, the employee will be placed on the layoff list. **A doctor's release is mandatory to return an employee to work from disability.**

Q: Where can I find more information regarding disability insurance?

Disability insurance information can be found on our website at www.broward.k12.fl.us/benefits/leaves under the "BCPS Benefits" heading. Just click on the "Disability" link for disability information or call the Leaves Department at 754-321-3130.

Q: Are there forms to apply for disability insurance benefits?

There are no forms to initially apply for disability insurance benefits. Employees should contact MetLife Insurance Company at 1(800)300-4296 and a representative will create a claim for the employee. The elimination period for disability benefits is sixty (60) days; therefore, if the employee will not be absent from work due to their disabling condition for more than sixty (60) days, a claim will not be filed for the employee.

NOTE: An employee returning from leave may require accommodations under the Americans with Disabilities Act. Please contact the EEO Department at 754-321-2150 for assistance.