

FREQUENTLY ASKED QUESTIONS

THE INTERPLAY BETWEEN FMLA

AND SICK/VACATION LEAVE

1. I would prefer not to use any of my paid time off or sick leave during my FMLA leave. Can I choose to be unpaid for the full twelve (12) workweeks of leave even though I have unused paid time off and sick leave?

No. Paid leave, including sick, vacation, personal or administrative leave will be substituted for unpaid leave, so long as accrued time is available according to the rules. Paid leave substituted for unpaid leave will run concurrently with be the 12 workweeks of FMLA leave, i.e. they will be counted together.

2. Do the Civil Service Rules limit the amount of sick leave I can use to care for a family member?

Yes. Pursuant to Civil Service Rules, Chapter 4, § 4.7, for approved FMLA leave, there shall be a limit of twenty (20) days of paid sick leave an employee may use to care for a spouse, child or parent who has a serious health condition.

3. Am I allowed to hold back any of my vacation time from being used together with my FMLA leave?

Yes. It is your option to hold back up to fifteen (15) vacation days from substitution and concurrent counting against their FMLA leave. If you wish to hold back vacation days from FMLA leave pursuant to this policy, you must enter the number of days you wish to hold back on the Request for Family or Medical Leave form, at the time you apply for FMLA leave.

4. Does injury-on-duty leave count against an employee's FMLA leave entitlement?

Yes. FMLA leave and injury-on-duty leave will run concurrently, provided the reason for the absence is due to a qualifying serious illness or injury. Employees will be notified in writing that the leave will be counted as FMLA leave. See FMLA Handbook at § O.

5. I was injured on the job and my doctor has recommended that I stay home from work for one month. Will I have to utilize my accrued sick time to cover this period of recuperation?

If you suffer an injury on duty (IOD) and are placed on Metro's In-Line-Of-Duty Injury Leave (Civil Service Rule 4.8), and the condition requiring use of IOD injury leave qualifies as a serious health condition under the FMLA:

1. You will be on paid IOD leave which will run concurrently with your unpaid FMLA leave.
2. Other forms of available paid leave (sick, vacation, personal or administrative) will NOT be used concurrently with IOD leave, i.e. you will not be simultaneously paid for BOTH IOD leave benefits and other forms of available paid leave.
3. If you exhaust available IOD leave benefits during a portion of unpaid FMLA leave, then your other forms of accrued paid leave, with the exception of sick leave (CS Rule 4.8 §6) will be substituted for unpaid FMLA leave, and your paid leave and unpaid FMLA leave will run concurrently.
4. The counting of FMLA leave will start at the same time as the beginning of your approved IOD leave, which is the first date you are absent from work, and will be counted concurrently with FMLA leave from that date forward.

6. Can an employee request sick leave or vacation leave for a serious health condition and NOT count this toward the 12 week FMLA period?

No. If the employee meets the eligibility criteria for FMLA leave and the leave is for an FMLA-qualifying reason, then the leave is designated and counted as FMLA leave.

