

FREQUENTLY ASKED QUESTIONS

REASONS FOR TAKING FMLA LEAVE

1. For what reasons can I use FMLA leave?

Eligible employees can use FMLA leave for the following reasons:

- The employee's serious health condition
- The birth and care of the employee's child
- Placement with the employee of a child for adoption or foster care and
- Care of the employee's spouse, child or parent with a serious health condition
- To attend to family needs based upon a covered servicemember being called or ordered to active duty to a foreign country under a “Qualifying Exigency”
- To care for a covered servicemember who has suffered a serious injury or illness and who is undergoing medical treatment, recuperation, or therapy, including regular Armed Forces and members of the National Guard or Reserves, and also including veterans under certain circumstances.

2. What is a serious health condition?

(See FMLA handbook at § F (iii)). The following list of conditions are considered serious health conditions that will ordinarily entitle an employee to FMLA leave:

- heart attacks or heart conditions requiring bypass surgery;
- most cancers;
- back conditions requiring extensive therapy or surgery;
- spinal injuries;
- appendicitis;
- pneumonia;

- severe arthritis;
- severe nervous disorders;
- pregnancy, miscarriage, complications or illnesses related to pregnancy (e.g. severe morning sickness), and need for prenatal care;
- childbirth and recovery from childbirth;
- Alzheimer's disease or clinical depression;
- Substance abuse if leave is taken for treatment.

3. Can Metro count leave taken due to pregnancy complications against the 12 workweeks of FMLA leave for the birth and care of my child?

Yes. An eligible employee is entitled to a total of 12 workweeks of FMLA leave in a 12-month period. The beginning of the 12-workweek period starts from the first day the employee is absent, not from date of delivery.

4. I understand Tennessee has its own Maternity Leave Law. How does FMLA leave and the Tennessee law work together?

State law allows employees who have been full-time employees with Metro for at least twelve (12) consecutive months to be absent for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant. For adoptions, the four-month period begins at the time the employee receives custody of the child. A Metro employee who meets the State law requirements may therefore be absent for four (4) months as opposed to the 12-workweek period allowed by FMLA. However the FMLA 12-workweek period will be counted as part of the four months allowed by State law, i.e. they will run together, not one in addition to the other. (C.S. Policy 4.16.3).

5. Can leave for childbirth or adoption be taken at any time?

No. Leave must be taken within 12 months after the birth or placement for adoption or foster care. In many circumstances, however, the leave may start before the birth or placement for adoption, such as leave needed for pre-natal care or for home studies in connection with an adoption.

6. My wife and I are employees of Metro and are expecting the birth of our child. Can both of us apply for leave under the Family and Medical Leave Act?

Yes, for a total of 12 workweeks for both spouses. Civil Service Policy 4.16.4 states that leave for a husband and wife both employed by Metro, even in different departments, is aggregate (i.e. not 12 workweeks each) for the time taken for childbirth or adoption.

7. Can leave be taken to care for children of any age?

No. FMLA leave is only available to care for a child under the age of 18, or a child over the age of 18 with a disability. (If the child is unable to perform activities of daily living without assistance).

8. May I use FMLA to care for my parent- in- law?

No. Individuals cannot take FMLA leave to care for parents-in-law, grandparents, grandchildren, siblings, aunts, uncles, or other adults. Leave cannot be taken to care for nieces or nephews, or any other children, unless the employee has legal responsibility for those children.

9. May I take FMLA leave for visits to a therapist, if my doctor prescribes the therapy?

Yes. FMLA permits you to take leave to receive "continuing treatment by a health care provider," which can include recurring absences for therapy treatments such as those ordered by a doctor for physical therapy after a hospital stay, or for treatment of severe arthritis.

10. What kinds of health conditions do not qualify for FMLA leave?

The common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than medically diagnosed migraines, routine dental or orthodontia do not meet the definition of serious health condition. These above descriptions are not intended to be universal, and both the employee and Metro must communicate with one another on a case by case basis.