# FAMILY AND MEDICAL LEAVE ACT (FMLA) & PAID FAMILY LEAVE

## ELIGIBILITY REQUIREMENTS:

### FMLA
- Part-time, full-time, or temporary employees who have been employed by Metro for at least 12 months (does not have to be continuous or consecutive) and have "actually" worked at least 1,250 hours during a 12-month period prior to beginning FMLA leave
- Qualifying Events:
  - Employee’s serious health condition
  - Birth and care of the employee’s child
  - Placement of a child for adoption or foster care
  - To care for an employee’s spouse, child, or parent who has a serious health condition
  - Qualifying exigency for military family leave
  - To care for a covered servicemember with a serious injury or illness

### PAID FAMILY LEAVE
- Full-time employees who have been employed by Metro for at least 6 months (must be continuous) and work at least 32 hours per week or more
- Qualifying Events:
  - Birth and care of the employee’s child
  - Placement with the employee of a child for adoption or the date that legal custody is granted (foster placement is not eligible)
  - To care for an employee’s spouse, child, or parent who has a serious health condition

## LEAVE ENTITLEMENT:

- **FMLA** provides eligible employees (part-time, full-time, or temporary) up to 12 workweeks of unpaid leave
- **Paid Family Leave** provides eligible employees (full-time employees) up to 30 workdays of paid leave for birth or adoption of a child and/or to provide care for a spouse, parent, or child as defined by FMLA
- **Tennessee Maternity Leave Act** provides leave up to 16 weeks for maternity and paternity purposes upon the birth or adoption of a child. The FMLA 12-workweek period will be counted as a part of the 16 weeks allowed by the State law
- **Military Family Leave** provides eligible employees with a special leave entitlement that permits employees up to 26 weeks of leave to care for a covered servicemember during a single 12-month period

## THREE (3) BASIC TYPES OF FMLA LEAVE:

- Continuous, single-block, or long-term
- Intermittent
- Reduced schedule

## RECORDKEEPING REQUIREMENTS:
- Must be maintained for no less than 3 years

## ALL THREE (3) ELEMENTS MUST BE SATISFIED:

- Employee must make reasonable effort to schedule the leave so it does not unreasonably disrupt the department’s operations
- Employee must provide 30 days advance written notice of the need to take FMLA leave when the need is foreseeable
- Employee must submit a Medical Certification from a health care provider within 15 calendar days demonstrating that the leave is medically necessary

## PAYROLL PROCESSES:
FMLA leave time should be entered on the employee’s time card for payroll each pay period until the employee returns to work.

### EBS STATUS CODES *

- 3 – FMLA
- 4 – Military Leave
- 6 – STD
- L – LWOP

* no current code for PFL

### PAYROLL CODES:

- 9 – PFL
- 270 – IOD (CS employees)
- 271 – IOD (NCS employees)
- 276 – STD/FMLA
- 277 – STD
- 280 – FMLA (paid)
- 281 – FMLA (unpaid)
- 285 – LWOP
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**BENEFITS:**

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<th>Benefit</th>
<th>Details</th>
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| Health, Dental, and Optical Insurance        | Coverage will continue as if the employee is not on FMLA leave; 3 options for payment of premiums:  
- Pay all premiums in advance prior to taking FMLA leave  
- Pay all premiums directly to Metro on a monthly basis as due  
- Pay when you return to work (double deductions from paycheck) |
| Supplemental & Dependent Life Insurance      | You must make a full premium payment or a lapse in coverage will occur if:  
- You miss 30 days' work  
- You miss 3 or more paychecks  
- You are on Leave Without Pay (LWOP) status from Metro |
| Short-Term Disability (STD)                  | You do not have to pay STD insurance premiums, if approved by insurance company |
| Long-Term Disability (LTD)                   | You must pay LTD premiums for your LTD insurance to remain in effect while on STD |
| Metro Pension                                | Any period of FMLA leave shall be treated as continued service – vesting & eligibility |
| Accruing Vacation/Sick Time                  | Employee must be in a paid status the entire month in order to accrue for that month |
| Longevity                                    | If you are in a LWOP status for longer than 20 days, your continuous service date will be adjusted by the number of days over 20;  
Your longevity amount is based on your continuous service date pursuant to the longevity Resolution (RS2001-642) |
| In-Line-Of-Duty Injury Leave (IOD)           | IOD leave has a maximum duration of 6 months, FMLA job protection expires after 12 workweeks; IOD protection after that |

[https://www.nashville.gov/Human-Resources/Personnel-Services/FMLA-.aspx](https://www.nashville.gov/Human-Resources/Personnel-Services/FMLA-.aspx)