



# Douglas County, Nebraska

## FMLA INSTRUCTIONS

The following information is provided to be of assistance to Employees in applying for Family and Medical Leave Act (FMLA).

### 1. FMLA Eligibility

- Employees must have worked for the County for at least 12 months. These 12 months do not have to be consecutive. For example, if an employee worked for the County for 3 months, then took a 4 month break and returned to work for 6 months, the County will count the employee as having worked for 9 months. In this situation, the employee would not qualify for FMLA because they did not work 12 months.
- Employees must have worked at least 1,250 hours in the 12 months immediately preceding their leave request.
- If employees take leave to serve in the U.S. military, the military leave time counts towards the employment hours required for FMLA.

### 2. FMLA Application

- Employees are **required** to complete a FMLA application form and submit the form directly to Human Resources.

### 3. Applying for Family Leave (Care for a Child)

*Employees can utilize FMLA to:*

- To bond with a newborn child,
- To bond with a newly adopted child, or
- To bond with a child placed with the employee for foster care.
- An employee may also take FMLA leave because of a difficult pregnancy; however this would be considered FMLA's Medical Leave not Family Leave.

### 4. Applying for Medical Leave (Care for Self)

*If you have a health issue that is interfering with your work, you may be able to take leave from your job. To take FMLA you must:*

- Be suffering from a serious health condition (as defined by FMLA regulations), and
- Be unable to perform one or more of the duties of your job.
- The County will require a medical certification (in some cases a healthcare provider's note or letter may be sufficient).

## 5. Applying for Medical Leave (Care for a Family Member)

*Employees can take FMLA when needed to care for a sick family member. The County will ask the employee to provide certification of the illness from the family member's healthcare provider.*

- The County will require a medical certification form; however, in some cases a doctor's note will be sufficient.
- Family members covered by FMLA are the employee's spouse, parents, and child.
  - A child is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence.
  - If an adult child is "incapable of self-care" due to a disability, he/she will meet the FMLA definition of a child for whom an eligible employee may take leave.

## 6. Applying for a Qualifying Exigency (Military Active Duty)

*Employees may take FMLA leave while the employee's spouse, child, or parent is on active duty status. A "qualifying exigent situation" exists in the following situations:*

- Short-notice deployment: Leave is available if a family member is notified of the call to active duty within 7 days of deployment.
- Military events and related activities: Leave may be taken to attend any event sponsored by the military, including family support and assistance programs.
- Childcare and school activities: Employees may take leave to arrange alternative childcare if the active duty of the family member requires a change.
- Financial and legal arrangements: Leave is available to deal with financial or legal matters necessary to address the active duty family member's absence.
- Counseling: An employee may take leave to attend counseling for oneself, the active duty family member, or any children in the family related to the active duty.
- Rest and recuperation: The employee may take leave to spend time with a family member who is on a short-term, temporary rest and recreation leave during deployment.
- Post-deployment activities: Leave may be taken to attend any post-deployment activities for up to 90 days after termination of the family member's active duty.

## 7. Questions regarding FMLA

- If you have questions regarding FMLA, please contact Human Resources at 402-444-6188.

## 8. Where to Get FMLA Forms

*All FMLA forms are located on the County's HR Website ([www.douglascounty-ne.gov](http://www.douglascounty-ne.gov)).*

- On the HR Website under the FMLA menu tab, you will be able to complete and/or print the FMLA Application, Medical Certifications (for applicable leaves), as well as the FMLA Return to Work Certification form.
- Make sure you fill out the correct form to fit your circumstances.
- If you encounter any problems accessing the HR Website or have questions, please contact Human Resources at 402-444-6188 for assistance.

## **9. Completing the FMLA Medical Certification Form**

- Be sure to complete Section 2 of the form before taking it to your healthcare provider.

## **10. Meet with your Healthcare Provider**

*Take the FMLA medical certification form to your healthcare provider as soon as possible. Your healthcare provider is required to enter facts about the medical condition. This might include information on the type of health condition, medications prescribed, how it affects your ability to work, and types of treatment required, etc.*

- The medical certification form must be received within 15 calendar days in order for you to be eligible for FMLA.
- Ask your healthcare provider to complete Section 3 of the form and fax to HR.
- If you are providing care for a family member, you will need to take FMLA medical certification form WH-380-F to your family member's healthcare provider.
- The healthcare provider is required by law to provide only factual information on the form, which includes accurate dates involving the health condition onset date and accurate details about the treatment, such as length and frequency.

## **11. Returning the completed FMLA forms**

*It is recommended that you have your healthcare provider fax the completed FMLA medical certification form directly to the Human Resources Department. This ensures the form is received quickly and is routed swiftly for review.*

- If you haven't submitted a FMLA application form to HR, do so ASAP.
- You will need to complete the FMLA Leave Usage form, so your department knows your wishes regarding the use of other leaves (e.g. vacation, floating holiday, comptime, etc.) otherwise your FMLA absences will be unpaid.
- Before you are able to return to work from FMLA, you will need your healthcare provider to complete the FMLA Return to Work Certification form. If this form is not received on or before the date of your return from FMLA, you will not be permitted to return to work until the form is received.