



ADMINISTRATIVE SERVICES HUMAN RESOURCES (HR)
FAMILY AND MEDICAL LEAVE ACT (FMLA)
~ EMPLOYEE RESPONSIBILITIES ~

FMLA Forms and information available on InsideWhatcom

What is FMLA?

FMLA is a federal law that allows employees to balance their work and family life by taking reasonable unpaid leave for certain family and medical reasons. Eligible employees may take up to 12 workweeks of leave in a 12-month period.

When can I take FMLA leave?

- When you're unable to work due to your own serious health condition; or
- To care for a spouse, son, daughter, or parent with a serious health condition; or
- For the birth of a child or placement of a child through adoption or foster care; or
- For certain events related to a family member's military service.

Are all employees eligible for FMLA?

No. You must have worked for Whatcom County a total of 12 months (need not be consecutive) and at least 1,250 hours in the 12 consecutive months.

If I have sick leave accruals, do I still need to complete an FMLA Leave Request form?

Yes. You cannot waive your federal protection for leaves that qualify as FMLA.

How do I request an FMLA leave?

Complete an FMLA Leave Request and forward to your HR Representative. Also, be sure to inform your supervisor about your need for leave.

Do I need to provide a Medical Certification to support my FMLA leave request?

Yes, in most cases. When your HR Representative returns your FMLA Leave Request form, it will tell you if an FMLA Medical Certification is required. If required, failure to provide the certification by the deadline may result in your leave being denied.

Do I need to provide Medical Recertifications?

We will let you know when recertifications are required. For lengthy, intermittent leave due to your own serious health condition, we may also ask your doctor to review your attendance record periodically and verify your attendance is consistent with the medical needs of your condition.

Who should I inform about changes during my leave and my plan to return to work?

You must report to your supervisor periodically so he or she can make arrangements to cover your work during your leave. Your HR Representative will handle the health care information and recertifications to preserve medical privacy to the extent possible and will assure your leave is coordinated consistent with County policy and federal law.

Am I responsible for completing timesheets during my FMLA leave?

Yes. You need to arrange a plan with your supervisor for submitting weekly timesheets to reflect your choices about use of accruals and/or unpaid leave.

Must I use accruals during my FMLA leave?

You can take unpaid time or choose to use accrued leave as allowed by your collective bargaining agreement, Unrepresented Resolution, or County policy. You will continue to accrue sick and vacation leave if you meet minimum compensated hours per month. When your HR Representative returns your FMLA Leave Request form, it will provide information about which type of accruals you can use.

How will my benefits be affected during my FMLA leave?

All health and welfare benefits continue during FMLA leave under the same conditions as if you continued to work. If you normally have a payroll deduction for voluntary benefits (voluntary life, personal accident insurance, etc.), these payments will be deducted from your paychecks while on leave. If your paycheck does not cover these self-pay premiums, Finance will send you a bill. If self-pay premium payments are not made in a timely fashion, those benefits may be cancelled. If you decide to discontinue these benefit enhancements, you must notify your HR Representative in writing.

If I am out on time loss for a workers' compensation claim, how does that work with FMLA?

Leave for a workers' compensation injury or illness runs concurrently with FMLA, if the reason for the absence is due to a qualifying FMLA serious health condition. The first three days following an on-the-job injury or illness is a waiting period for which you may use leave accruals. Time loss payments start after the waiting period and do not quite provide the same income as regular pay. Work with your HR Representative if you wish to supplement time loss payments with accruals. If you qualify for holidays, and a holiday falls during the time you are off work on time loss payments, you will receive holiday pay.

Is my retirement affected by FMLA leave?

Usually not, however, for any month you are not paid the minimum number of hours required to earn service credits for your retirement plan, you lose retirement service credit for that month. Contact Department of Retirement Systems (DRS) directly at (800) 547-6657 for information about how to recover lost service credit.

Will I qualify for any short-term disability benefits?

It depends. If you are covered by the Master Collective Bargaining Agreement and your condition qualifies, you may be eligible for short-term disability benefits. To apply, you and your health care provider must complete the Teamsters Weekly Income/Disability Waiver Application and forward to your HR Representative to complete the employer section and mail to the WA Teamsters Welfare Trust. Workers' compensation leaves do not qualify.

Do I need to provide a fitness-for-duty certification before I can return to work?

Yes, if your leave is for your own serious health condition. Please return a completed Fitness-for-Duty Certification form to your HR Representative before your date of return. Any work restrictions must be approved by your supervisor in advance of your return.

Expecting a baby?

Do I need to provide an FMLA Medical Certification to qualify my FMLA leave request?

Only if your medical condition requires you to stop work prior to delivery or if your maternity disability will exceed six weeks following birth. If this is the case, have your doctor complete an FMLA Medical Certification form. Please communicate any changes to your leave with your supervisor and your HR Representative.

How much sick leave can I use for my FMLA paternity leave?

You can use up to five days of accrued sick leave at the time of delivery. To take additional time off to bond with the baby, you can use accrued vacation/PTO, personal holiday, or unpaid leave for the remainder of the 12-week FMLA period. Sometimes, a serious health condition affecting your spouse or child will require you to provide care. In that case, have the doctor complete an FMLA Medical Certification as soon as possible following the determination that your care is needed. Accrued sick leave may be used during leave to care for a spouse or child with a serious health condition and may be taken intermittently or on a reduced leave schedule when medically necessary.

How do I add my newborn baby to my benefit plans?

Your HR Representative will send you benefit enrollment forms. You need to complete and return the benefit enrollment forms to your HR Representative within 60 days of birth.