

# FMLA FAQs

## 1) What is Family Medical Leave?

The Federal Family & Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees with approved Family Medical Leave may take up to 12 weeks of job-protected leave in a 12-month period.

Henrico County is a covered employer under the FMLA. The County provides an additional one week of Family Medical Leave, for a total of 13 weeks. FMLA leave runs concurrently with the use of an eligible employee's accrued paid leave, as applicable, (i.e. sick leave, annual leave, etc., in accordance with the current leave policies), and during the receipt of any disability/insurance plan payments (i.e., short-term disability, or worker's compensation). A period of FMLA leave will be unpaid if the employee is utilizing short-term disability or exhausts his or her balance of paid leave.

Eligible employees may be entitled to take leave to:

- Care for a parent, child, or spouse with a serious health condition,
- Care for and bond with a newborn, adopted, or foster child recently placed with you,
- Recover from your own serious health condition (including pregnancy), or
- To deal with certain obligations (including childcare and related activities) arising from a spouse, parent or child being on, or called to, active duty in the military. For workers whose spouse, child, parent or next of kin is a member (or in certain cases, a veteran) of the armed services with a serious illness or injury incurred in the line of duty on active duty, the FMLA provides up to 26 weeks of unpaid leave per year.

## 2) How is my eligibility determined?

- First, you must have worked for the County for at least 12 months (need not be continuous or consecutive).
- Second, you must have worked for the County for at least 1250 hours in the past 12 months (sick pay, vacation or other leave hours don't count as hours worked).
- Third, you must not have exhausted your FMLA leave entitlement for the applicable 12-month period.

### 3) How is the FMLA 12-month leave entitlement calculated?

- Henrico County uses a “rolling” 12-month period measured backward from the date an employee uses FMLA leave, often called the “lookback” method, to calculate employees’ leave entitlement.
- Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 13 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional five weeks of leave could be taken. If an employee used five weeks beginning February 1, 2015, four weeks beginning June 1, 2015, and four weeks beginning December 1, 2015, the employee would not be entitled to any additional leave until February 1, 2016. However, beginning on February 1, 2016, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for five weeks, commencing February 1, 2016. The employee would also begin to recoup additional days beginning on June 1, 2016, and additional days beginning on December 1, 2016.

### 4) How do I know if my (or my family member’s) health condition meets the FMLA definition of a “Serious Health Condition”?

- Please see the document “Definition of Serious Health Condition”:  
[https://employees.henrico.us/pdfs/benefits/fmla/fmla\\_shc.pdf](https://employees.henrico.us/pdfs/benefits/fmla/fmla_shc.pdf)

**Contact HR Benefits, (804) 501-5231 or [fmla@henrico.us](mailto:fmla@henrico.us), for specific questions regarding FMLA.**