



## Paid Family Medical Leave FAQ

Effective June 22, 2023

### 1. What does the Family and Medical Leave Act do?

The [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 are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;"

Twenty-six work weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

### 2. Who is eligible for Paid Family Medical Leave (PFML)?

Employees who have worked for the state for a year or more, have worked 1,250 hours in the preceding 12-month period, have 80 or fewer hours of sick leave, and have a qualifying FMLA event.

### 3. What is the difference between paid family leave and paid medical leave?

**Paid Family Leave** is for the purpose of bonding after birth or placement for adoption of a child.

**Paid Family Medical Leave** is a benefit for employees to who are on FMLA for reasons outside of the birth or placement for adoption and foster care, have 80 or less hours of

sick leave, and who have missed more than three consecutive scheduled working days due to their FMLA qualifying event.

**4. If I have under 80 hours of sick leave, but over 80 hours of vacation leave, will I qualify for Paid Family Medical Leave?**

Yes, only your accrued sick leave balance needs to be 80 hours or less.

**5. If my sick leave balance is under 80 hours and I qualify for FMLA, will I receive paid medical leave on the first day missed?**

No. An employee must be out of work for three consecutive scheduled workdays before PFML kicks in.

**6. If I have intermittent FMLA, will I receive paid medical leave?**

Paid Family Medical Leave is not intended for intermittent use. PFML is only available for employees AFTER they are absent for three consecutive scheduled working days for a qualifying FMLA event. This is also the case for each subsequent absence for the same FMLA event.

For example, an employee has 100 hours of sick leave accrued and has a surgery and is absent from work for 10 days and then returns to work, the employee will be required to utilize 24 hours of sick leave, and then will receive PFML for the remaining 56 hours.

Two weeks later, the employee has follow-up medical testing and is absent for 3 days. The employee must use accrued sick leave, vacation leave or leave without pay for this period.

**7. If I am out on FMLA prior to June 22, 2023, do I qualify for PFML?**

No, only those who qualify for PFML and who begin their leave on or after June 22, 2023 are eligible.

**8. If I am earning leave while out and get over 80 hours sick leave, will I get kicked off PFML?**

No, a continuous absence while on PFML will not require you to maintain a sick leave balance of 80 hours or less. Employees will still accrue leave at their normal rate while on PFML.

**9. If I have already used all of my FMLA, do I still get PFML?**

No, FMLA and PFML run concurrently.

**10. Does the birth of a child or placement of a child for adoption or foster care qualify for PFML?**

No. Leave for the purpose of bonding after the birth of a child or placement of a child for adoption is covered under the Paid Family Leave (PFL) program and policy. Placement of a foster child is not eligible for PFL or PFML.

**11. I am a full-time, salaried employee and have 85 hours of sick leave. Do I need to use my sick leave in 8-hour increments to get below 80 hours?**

Yes, the employee must use leave in 8-hour increments and the balance has to be 80 hours or less to qualify.