The Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) is a benefit that allows qualified employees to have up to 12 weeks of leave per fiscal year. The law allows eligible employees to take job-protected leave for the birth or adoption of a child, for the care of a child, spouse or parent with a serious health condition, for the employee's own serious health condition, or for the care of a covered military service member.

FMLA leave runs concurrently with the employee’s accrued leave and also leave without pay if the employee exhausted all paid leaves.

The U.S. Department of Labor has issued a summary entitled Need Time? The Employee's Guide to the Family and Medical Leave Act. This summary is directed primarily to employees in a reader-friendly format.

Responsibilities under the FMLA

Employee Responsibilities:

Employees have certain responsibilities to fulfill if the leave taken is to be granted or designated as FMLA leave. In general, employees must:

- provide 30 days' advance notice of the need to take FMLA leave when the need for leave is foreseeable;
- provide sufficient information (usually a certification form) in a timely manner so that the department may review for FMLA eligibility;
- provide re-certification of condition if requested by department; and
- maintain appropriate contact with your department regarding your return-to-work status.

An employee's failure to provide information in a timely manner may result in the delay or denial of FMLA leave.

Supervisor Responsibilities:

Supervisors are an important first step in the FMLA leave process. Specifically, supervisors will need to notify the department's Absence Partner and Human Resources when an employee's absence "triggers" a potential need for FMLA leave. This need could be evident when an employee:

- notifies the supervisor of their own or a spousal pregnancy, that his/her family will be adopting a child, or that the family will be receiving a child from foster care;

- misses more than 3 (three) continuous days of work;
- misses work due to a chronic health condition (i.e. diabetes, etc.);
- is placed in a hospital or day care facility for any length of time; and/or
- is needing to care for a covered member of the armed forces, or is having to be absent from work due to a covered member's being called to active duty.

Remember that the triggers listed above will include an employee's missing work to care for a child, spouse, or parent suffering from a serious health condition. The department's Absence Partner must be notified immediately if any one of the instances listed above occurs so that the leave can be reviewed for FMLA eligibility. FMLA law mandates that we act in a timely manner after one of the triggers above has become evident.

Absence Partner Responsibilities:

The main duties of the department's Absence Partner consists of:

- ensuring the department's compliance with the FMLA;
- overseeing employee FMLA leave balances and periodically reviewing for accuracy;
- communicating with Human Resources if questions arise regarding FMLA leave.

Note: Medical documentation provided by the employee often contains medical diagnosis and history, or lists medication used in the treatment plan. This information is confidential and should not be forwarded or shared with other employees, except in the course of business for leave purposes or Family Medical Leave Act (FMLA) benefits. Employees should be encouraged to submit documentation directly to their HR Liaison or leave administrator.

Human Resources Responsibilities:

- must be notified immediately when an employee's leave is potential FMLA;
- ensure employee is provided notice within five (5) business days regarding his/her eligibility (or non-eligibility) for FMLA leave when a department acquires knowledge that the employee's leave may be for an FMLA-qualifying reason.
- administer recertification procedures each fiscal year whereby employees, who were under FMLA in previous fiscal year, would need to requalify for FMLA benefits.

For more information specific to the Family and Medical Leave Act, please visit the U.S. Department of Labor at: https://www.dol.gov/agencies/whd/fmla.