

FMLA Guidelines and Procedures

What is FMLA? The Family and Medical Leave Act (FMLA) is administered through the U.S. Department of Labor and provides job-protected leave for specific family and medical reasons with continuation of group health insurance coverage. Employees are entitled to twelve workweeks per fiscal year for their own serious health condition, birth of a child and care of a newborn, care for spouse, child, or parent who has a serious health condition, or for a service member's family to provide care in the event of serious illness or injury of the service member.

FMLA is a distinct entitlement designated for job-protected leave, and is provided for employees regardless of whether or not accrued paid leave balances exist; therefore, **all FMLA should be handled consistently according to the instructions provided.**

What actions are required to comply with FMLA regulations? The overriding principle in FMLA compliance is effective communication with employees, which is accomplished by monitoring leave requests for FMLA and completing the Notice Form correctly and timely. The Notice is a significant component of compliance because it provides the employee their FMLA-related responsibilities and rights, and it's an important first step in initiating the FMLA process. **All FMLA requests are confidential and should not be shared with other employees, and all types of leave administration should comply with both FMLA regulations and HRM Leave Policy 60.201.**

How is Compliance Achieved? Supervisors' primary focus is on monitoring and listening to employees' leave requests for reasons that may qualify for FMLA; and provide timely Notice to the employee consistently as described in the instructions. There are three points supervisors must abide by to effectively handle FMLA requests:

- The Notice should be completed and given to the employee when the employee provides enough information for the supervisor to determine that the leave requested may qualify for FMLA. In order to accomplish this, supervisors must be aware of FMLA; however, the Department of Human Resources' (HRM) Leave Specialist is responsible for reviewing closely and designating FMLA leave. Follow the instructions provided to complete the required Notice.
- HRM's review process relieves the supervisor/department of undue complexity in determining FMLA eligibility and places responsibility for designating FMLA as well as follow-up with HRM Leave Specialist. Once the Notice is completed and submitted in a timely manner, the process is successfully initiated and all remaining steps are handled through HRM.
- All requests, even uncertain or unclear requests, for FMLA leave should be followed by timely Notice of Rights and Responsibilities Form **within five business days**. The employee need not mention FMLA specifically. Afterwards, HRM carefully reviews each FMLA request and documentation provided for applicability and approval, and then notifies the department of the employee's status.

The Notice form advises employee of their responsibilities and rights, and initiates the FMLA process. Therefore, providing the Notice timely is a significant part of FMLA compliance. The Notice Form must be completed and **delivered or mailed to the employee**, using the **two step procedure described in the Instruction Form**.

Questions or concerns regarding FMLA compliance, regulations, or procedures should be directed to the Department of Human Resources Management (HRM) by calling (662)325-3713.