



# Family and Medical Leave

## Sample FMLA Process Steps

<b>1. Receive notice that employee is or will be absent for a reason that may qualify for FMLA</b>	
<b>2. Determine Preliminary Eligibility</b>	
	Determine whether employee has been employed with state gov't for at least 12 months. Identify continuous state service date. If less than 12 months, review for previous state service, service to the state through a temporary services agency, or absence on military leave.
	Determine whether 1,250 hours were worked in 12 months before leave begins
	Review leave taken for the preceding 12 months
	Check for additional leave used during the current pay period
	Subtract leave and holidays (and furloughs and suspensions, if applicable) from 2,080 standard hours (for full-time employees)
	Determine whether employee appears to have FMLA-qualifying reason for leave
	Determine whether employee has used all available FMLA leave
	Review leave balances to determine whether employee will be in paid or unpaid status
<b>3. Issue Eligibility, Rights, and Responsibilities Notice and include deadline for any needed supporting documentation (at least 15 calendar days later)</b>	
	Provide Eligibility, Rights, and Responsibilities Notice to the employee within five (5) business days of becoming aware that a current or upcoming absence may qualify for FMLA protection.
	(Optional) If the employee is at work, invite the employee & supervisor to discuss FMLA. If the employee did not submit an agency FMLA request form, and the agency uses such form, invite the employee to complete it during the meeting. (Note: A written FMLA request cannot be <u>required</u> , unless the agency requires written requests for ALL leave.) Give the employee the Eligibility, Rights, and Responsibilities Notice and any certification form that can be used for supporting documentation.
	If the employee is not at work, send the employee the Eligibility, Rights, and Responsibilities Notice and a certification form that can be used to provide supporting documentation for FMLA leave, if needed.
	Maintain records in accordance with agency practice.
<b>4. Confirm Eligibility &amp; Issue Designation Notice</b>	
	Receive and review FMLA paperwork from the employee or representative.
	If supporting documentation is incomplete or otherwise insufficient to determine eligibility, send request to the employee for complete and sufficient certification. Advise the employee how to cure the deficiency and include a deadline (at least 7 calendar days later). The US DOL Designation Notice template may be used for this purpose.



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	If complete and sufficient documentation is not received, FMLA may be delayed or denied.
	If supporting documentation is complete and sufficient, prepare the FMLA Designation Notice and provide it to the employee within five (5) business days of receiving the information that allowed the employer to make the eligibility determination.
	If the employee is absent for his/her own serious health condition, include a requirement for a fitness-for-duty certification before the employee can return to work if such is required for all similarly situated employees in the agency. (Note: If the FMLA will be intermittent, then a fitness-for-duty certification should not be required unless the serious health condition poses reasonable safety concerns about the employee's ability to perform assigned duties.)
	If employee will be on leave without pay (lwop) for an entire pay period, include information for continuation of benefits while on lwop.
	If the information received does not support eligibility for FMLA, indicate on the Designation Notice that the absence will not have FMLA protection.
	Maintain records in accordance with agency practice, which may include entering FMLA into PeopleSoft TeamWorks, if available, or some other tracking system.
<b>5. Monitor Return</b>	
	Verify that employee returns to work, as scheduled, and has a fitness-for-duty certification, if required
	(Optional) Prepare return-to-work correspondence, welcoming the employee's return
	If the employee is not released to return to work at the expiration of the FMLA leave entitlement because of a medical condition, determine whether the agency has a reasonable accommodation obligation under the Americans with Disabilities Act, as amended. If so, pursue reasonable accommodation.
	If the employee does not return, as scheduled, and the agency does not have a reasonable accommodation obligation, then the agency should take appropriate employment action consistent with similar situations.