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# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week

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exigencies may include attending certain military events, arranging for  
WKGMELO  
attending certain counseling sessions, and attending post-deployment  
HRQU

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-

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(1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise  
RDLLOWRKRQU  
or (2) a veteran who was discharged or released under conditions other  
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veteran, and who is undergoing medical treatment, recuperation, or  
WRKRQU

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coverage under any “group health plan” on the same terms as if the  
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employees must be restored to their original or equivalent positions

## FMLA Absence Checklist for Supervisors

This checklist includes procedures for three different categories of FMLA Absences: full-time; reduced time; and intermittent. The absence types are fully described below. Supervisors should use this checklist as a

- 9 Notify the FMLA/SPF Coordinator if you learn that an employee will return to full-time work sooner than anticipated.
- 9 Notify the FMLA/SPF Coordinator if the employee will use reduced leave longer than expected to ensure that the employee is entitled to use more leave.
- 9 Notify the FMLA/SPF Coordinator if you learn of suspicious activities or rumors connected to an employee's activities while they are supposed to be absent due to FMLA reason.
- 9 Notify the FMLA/SPF Coordinator when the employee returns to full-time work.

**Intermittent Absences.** An intermittent absence includes periods of any duration when unable to work due to a reason certified by the health care provider. Note: An intermittent absence could also be a full-time absence.

Examples: Call-off due to a migraine. Need to leave early due to a child's serious health condition. Off two weeks, return for three days, and then off three weeks.

- 9 If an employee knows in advance that Sick Leave/FMLA absence is needed, provide an FMLA Employee Request form to the employee and advise them to visit the IUP Benefits Website under Sick Leave to learn more about Sick Leave/FMLA and to obtain the appropriate forms and ask the employee to return it to the FMLA/SPF Coordinator.
- 9 Notify the FMLA/SPF Coordinator when the intermittent absences begin, unless an approval letter has already been provided for that reason.
- 9 When an employee requests an unscheduled absence, ask the employee if the reason for the absence is due to the FMLA Absence approved reason. Note: If the employee has more than one approved reason, ask to which one the absence relates.
- 9 When an employee requests FMLA Absence, determine if absence entitlement is available for use. If unsure, do not approve the absence; instead obtain the employee's telephone number and call the employee back to approve/reject the absence after obtaining the entitlement from the FMLA/SPF Coordinator. Please note that employees are eligible to take FMLA as unpaid leave within the provisions of each bargaining unit or employment group. As appropriate, if a request is not due to FMLA approved Absence or the FMLA Absence entitlement has been depleted, consider operational efficiency prior to approving or rejecting the request.
- 9 Notify the FMLA/SPF Coordinator if you learn that an employee will return to full-time work sooner than anticipated.
- 9 Notify the FMLA/SPF Coordinator if the employee will use intermittent leave longer than expected to ensure that the employee is entitled to use more leave. The employee should communicate with the FMLA/SPF Coordinator under these circumstances.
- 9 Notify the FMLA/SPF Coordinator if you learn of suspicious activities or rumors connected to an employee's activities while they are supposed to be absent due to FMLA reason.
- 9 Notify the FMLA/SPF Coordinator when the employee returns to full-time work.

## Manager's/Supervisor's FMLA Q & A

As a supervisor, you have responsibilities under the FMLA. If you intentionally or unintentionally deny employees' rights under the FMLA, you can be held personally liable. Although you are not expected to know all of the details of the FMLA, you should know the basics and how to recognize a possible serious health condition. This Reference Guide provides information that will answer many of the questions you may have about the FMLA. Human Resources will assist with specific FMLA questions and issues.

1—Can I ask an employee why he/she is absent from work?

Yes. In fact, you are required to ask. Under the FMLA, an employee does not have to as-qualifying?

covers absences for serious health conditions. Do not assume that an absence is not serious. The definition of serious health condition includes absences and minor illnesses of more than three consecutive calendar days (reduced days off if the doctor certifies inability to work on those days.) You should notify the Benefits Manager/FMLA Absence Coordinator as soon as possible. If you have any questions or concerns, contact can be made with the employee if necessary.

Should I provide Human Resources with the medical information received?

If you receive any medical information to support a serious health condition, it should immediately be forwarded to the Human Resource Office in a sealed envelope labeled "personal and confidential". Do not keep a copy. The Human Resource office will maintain all medical information in a confidential medical file. Based on the medical information provided, the Human Resource Office will either approve the leave or deny the leave. As the supervisor and/or manager, you will receive a copy of the designation notice and/or letter.

