

Family and Medical Leave Act (FMLA) – A Guide for Supervisors

As a supervisor, it is important for you to know how to recognize the need for Family Medical Leave (FML) and respond to employee's absences that may be eligible for leave under the federal Family and Medical Leave Act. When you have a leave request or situation that you think may potentially be covered under FMLA for an employee, please contact your department Leave Coordinator (in your Business Office).

Recognizing possible Family Medical Leave (FML) situation

Employees may not always say "I need leave and it is covered under FMLA", or "I'd like to request FMLA", or otherwise come forward with a formal request or notification. Instead, watch for employees missing time from work (whether using sick leave or some other paid leave) or needing a change in schedule.

FMLA-eligible leave may occur when an employee:

- Has been calling in sick a few days each week, for several weeks or has been absent for more than 3 consecutive days.
- Notifies you that they or their spouse is pregnant, or that the family will be adopting a child or receiving a child from foster care
- Misses work to care for a parent, child, or spouse suffering from a serious health condition
- Misses work due to a chronic serious health condition; and/or
- Is placed in a hospital or day care facility for any length of time
- Notifies you that they must take care for/or respond to needs of a family member in the military

Supervisors may reach out to the employee regarding a possible FML absence

- How? Ask: "I have noticed you have been out on sick leave several times this month. I am required by law to make sure you receive any Family and Medical Leave benefits you are entitled to receive. Are your absences because of the same condition?"
- The employee is not required to disclose the specific medical condition/illness/injury to the supervisor; therefore, the supervisor should **NOT** ask.
- Supervisors must notify the departmental Leave Coordinator when their employee's absences indicate a possible FML situation since the employee must be notified within 5 business days if their absence fall under FMLA protection.
- All medical information is confidential. You cannot disclose to others that an employee is using FML or has a medical condition or disability accommodation (even if the employee is already sharing this information with you or others).

While an Employee is on Family Medical Leave

Supervisors should be mindful of the employee's situation. There should be no expectation of the employee performing any work duties or responsibilities during the employee's absence, meaning working from home should not be expected or encouraged.

Return to Work

Supervisors must NOT allow an employee to return to work from an FML absence without proper documentation. As a supervisor you must ensure employee returning to work after a medical absence submits a doctor's release/fitness-for-duty certification. Supervisors should notify Engineering Human Resources if an employee resigns before returning from FML.