Recertification for New Fiscal Year—Department Administrator Role

You will need to identify those employees on FMLA leave in the current fiscal year whose condition will carry forward in the new fiscal year on a continuous or intermittent basis. You can do so by running the All Worker Time Off report in August of each fiscal year. The employee will need to requalify for FMLA benefits and may need to provide recertification documentation.

When an employee submits leave in the new fiscal year for the FMLA-related condition, you will be required to ensure that the employee requalifies for FMLA benefits. The employee’s initial leave request (in the new fiscal year) will be the notification to the department administrator of the need for FMLA leave. (There may be a verbal communication from the employee as well.) The employee is eligible to continue FMLA leave if the department administrator determines that the employee worked 1,250 hours during the 12-month period prior to the need for leave in the new fiscal year. Paid or unpaid leave in the previous 12-month period should not be used in the calculation of the 1,250 hour requirement.

Once you have determined eligibility:

Complete the Recertification FMLA New Fiscal Year Memorandum (This memorandum should be used only once during the months of September and October to notify the employee of his/her eligibility)

**The completed form should be provided to the employee within five business days of the initial related absence in the new fiscal year.**

Note: The recertification memorandum should NOT be used for first FMLA-related absences after October 31st. The standard FMLA packet should be issued instead.

The Certification of Health Care Provider Form may or may not need to be attached to the Recertification FMLA New Fiscal Year Memorandum. You will need to provide the Certification of Health Care Provider Form if the employee’s current medical information on file is six months or older or has expired. If the employee’s reevaluation date is upcoming, the Certification of Health Care Provider Form will be need to be provided within 15 calendar days of the evaluation appointment.

Administrators should be cautious when requiring updated medical certification.

Department of Labor provides the following guidance for Recertification:

Recertification

In general, the employer may request the employee to provide a recertification no more often than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the employer must generally wait until that minimum duration expires before requesting recertification.

However, in all cases, including cases where the condition is of an indefinite duration, the employer may request a recertification for absences every six months.

The employer may request a recertification less than 30 days only if:

- the employee requests an extension of leave; or
- the circumstances described by the previous certification have changed significantly

The employee is responsible for paying for the cost of a recertification. In most circumstances, the employer must allow the employee at least 15 calendar days to provide the recertification after the employer’s request.

**Please note:** Certification for leave to bond with a newborn or a child placed for adoption or foster care is not required but employee must requalify for FMLA benefits.

We have provided additional information on our website at [http://tees.tamu.edu/personnel/leave-fmla/family-medical-leave-act/](http://tees.tamu.edu/personnel/leave-fmla/family-medical-leave-act/)

**QUESTIONS?**

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