

What Managers and Supervisors Need to Know

Family and Medical Leave Act regulations, overseen by the US Department of Labor, require employers, including USF, to advise employees of their potential FMLA entitlements. Failure to do so places the university in non-compliance with Federal law and regulations. A manager or supervisor must know and understand that the university has the responsibility to ensure situations which potentially qualify under the FMLA are properly identified. An employee giving notice of the need for FMLA leave does not need to expressly state the need for taking time away from work under the FMLA, but needs only state a qualifying reason for the leave. It is the responsibility of managers and supervisors to identify circumstances warranting this type of leave and respond accordingly.

The following are examples requiring notification to an employee of FMLA eligibility and rights & responsibilities within five days of the employer becoming aware of the situation:

- If due to a medical condition of an employee or family member the employee requires regular time away from work or is absent for more than three days in a 30 rolling-day period.
- If an employee informs the manager or supervisor of the need to be out of work for medical reasons or to care for a medical condition of a spouse, parent, or child.
- If an employee informs the manager or supervisor of the need to be out of work for the birth of a child (or children), adoption of a child (or children), or the placement of a foster child (or children).
- If the manager or supervisor is informed by a different source the employee is ill as described above
- If an employee informs the manager or supervisor of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation, in the National Guard and Reserves.
- If an employee informs the manager or supervisor that an eligible employee, who is the spouse, son, daughter, parent, or next of kin of a servicemember, requires leave to care for a servicemember injured in the line of duty.

Once a manager or supervisor is aware of these or similar situations, the individuals responsible for FMLA compliance in the campus HR office must be notified immediately so that proper and timely notice can be sent to the affected employee.

The FMLA process is centralized in HR on each campus to oversee the process, ensure compliance and advise employees and their departments. These activities include:

1. Advise on FMLA issues and requirements
2. Assist in identifying possible FMLA qualifying situations
3. Verify an employee's eligibility and designate an FMLA qualifying event
4. Process FMLA-related paperwork, including notifications, forms, and medical certifications; maintain confidential files and communications throughout the process
5. Assist employees with questions concerning maintaining active benefits while on leave
6. Communicate with the manager or supervisor regarding the FMLA leave process
7. Coordinate sensitive FMLA communications between affected employees and their supervisors and departments

What Attendance and Leave Coordinators Need to Know

Departmental Attendance and Leave Coordinators should be familiar with the FMLA information on this website. The information on this complex Federal law will help leave coordinators with identifying possible FMLA circumstances occurring in the department. If a leave coordinator believes an employee may have a possible FMLA qualifying situation, the campus HR office should be contacted.

The HR office administers the FMLA process, coordinates associated correspondence and paperwork, and ensures that an employee's submitted medical documentation is kept confidential and maintained in a secured, central location.

Human Resources will notify the department when an employee initiates the FMLA process and provide the necessary information to track the FMLA leave. Throughout the request/leave/return to work process the leave coordinator is responsible for tracking and auditing continuous or intermittent FMLA leave each pay period and for documenting whether leave is taken as fully paid, partially paid or unpaid depending on the employees' leave balance and preference.

Appointment Processing and Benefits

FMLA leave is an unpaid leave entitlement; however, the university requires employees to use a portion of their leave while on an FMLA leave of absence to provide continuity of pay and benefits. If an employee does not have enough accrued leave to maintain full benefits deductions, the employee may pay premiums by personal check or have benefits temporarily suspended until the return from FMLA leave.

If an employee's FMLA leave will be unpaid (due to the lack of available accrued leave), the department must complete an Appointment Status Form or ASF to place the employee on a "leave of absence" without pay. This ensures the university will continue to pay the employer's portion of health and basic life insurance premiums for up to 6 months.