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Family & Medical Leave Act

Supervisor Training



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Agenda

- What is FMLA?
- Reasons for FMLA
- Does an employee have to specifically request FMLA to be covered?
- Why is this important to me?



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What is FMLA?

The Family and Medical Leave Act (FMLA) is a federal law which went into effect on August 5, 1993. Amendments to the FMLA became effective January 16, 2009.



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What is FMLA?

Employees are eligible for up to 12 weeks of unpaid, job-protected FMLA leave or up to 26 weeks of unpaid, job-protected FMLA Military Care-giver Leave in a 12 month period



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What is FMLA?

provided they have been employed by the State of Texas for 12 months; and have worked at least 1,250 hours over the previous 12 months.



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Reasons for FMLA

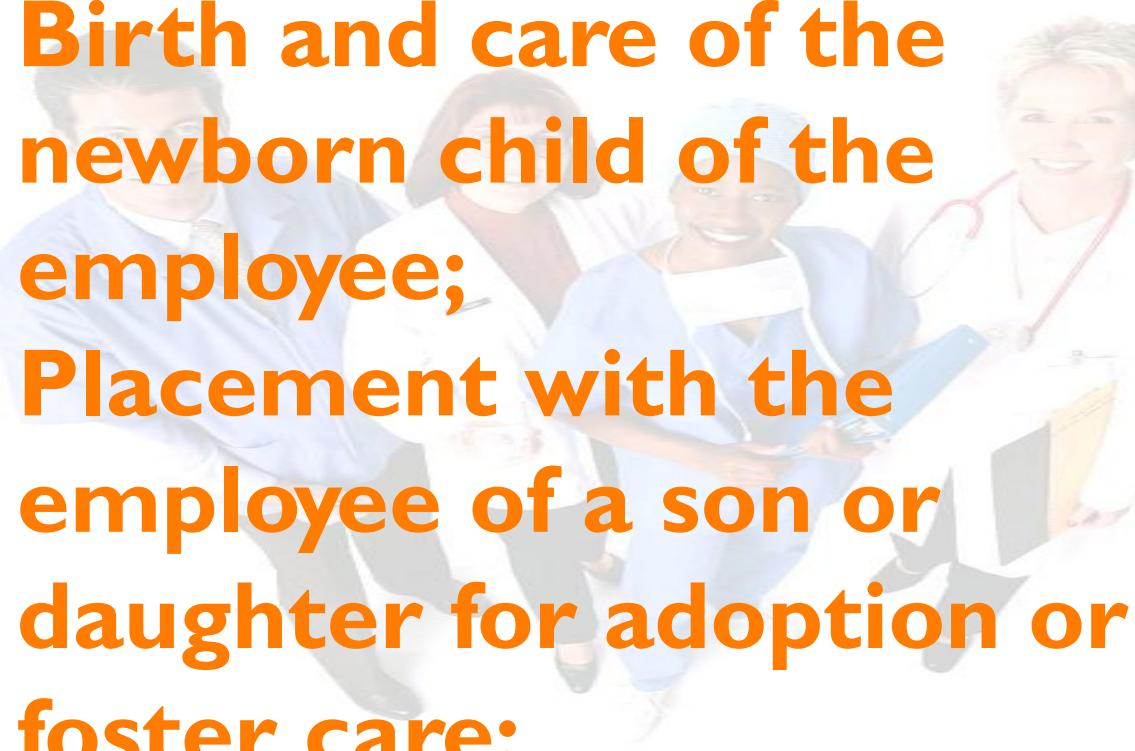
This leave allows an eligible employee to take leave for any of the following reasons:



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Reasons for FMLA

Birth and care of the newborn child of the employee;
Placement with the employee of a son or daughter for adoption or foster care;

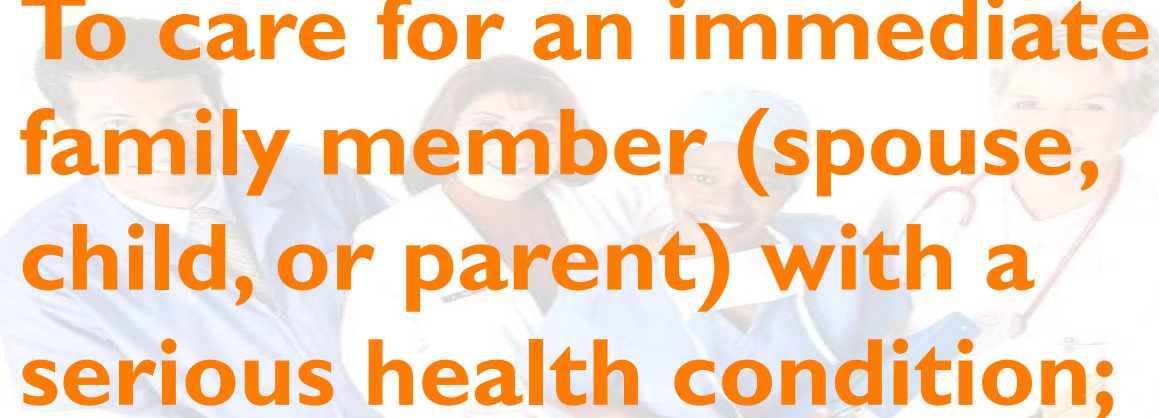
A group of four medical professionals, including a man in a blue lab coat, a woman in a white lab coat, a woman in blue scrubs, and a woman in a white lab coat with a stethoscope, standing together and smiling.



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Reasons for FMLA

To care for an immediate family member (spouse, child, or parent) with a serious health condition;

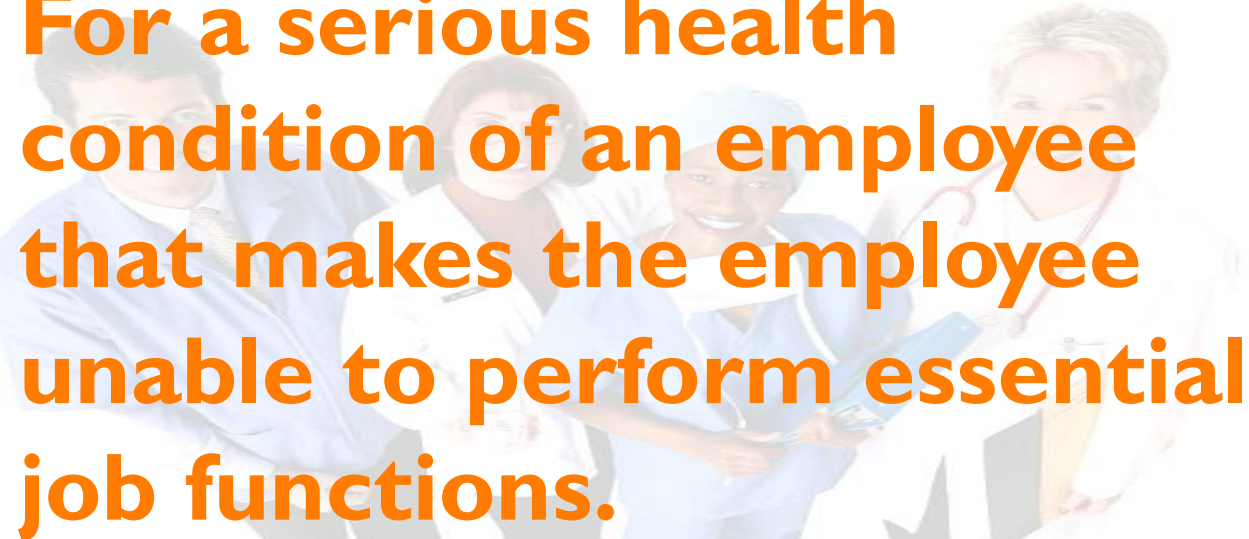
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Reasons for FMLA

For a serious health condition of an employee that makes the employee unable to perform essential job functions.


A group of four medical professionals, including a man in a blue suit and a woman in a white lab coat, standing together. The image is faded and serves as a background for the text.



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Reasons for FMLA

For any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter or parent.

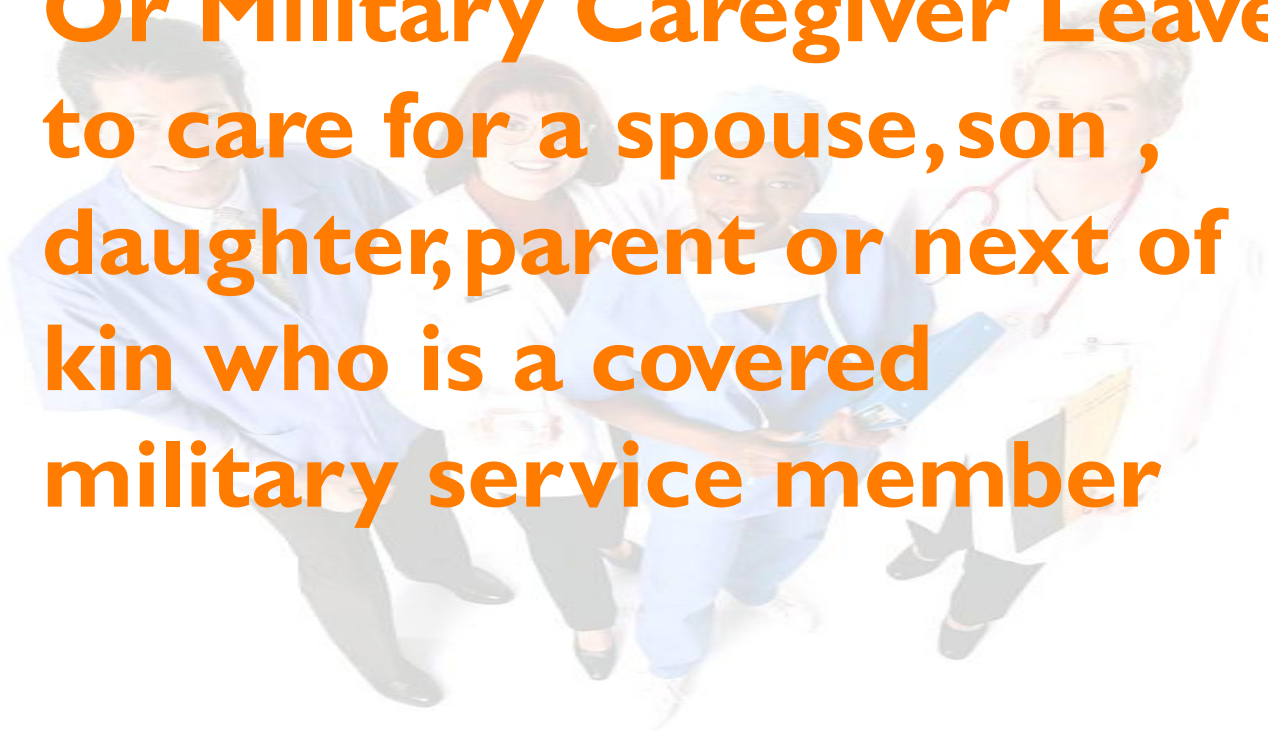
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Reasons for FMLA

**Or Military Caregiver Leave
to care for a spouse, son ,
daughter, parent or next of
kin who is a covered
military service member**

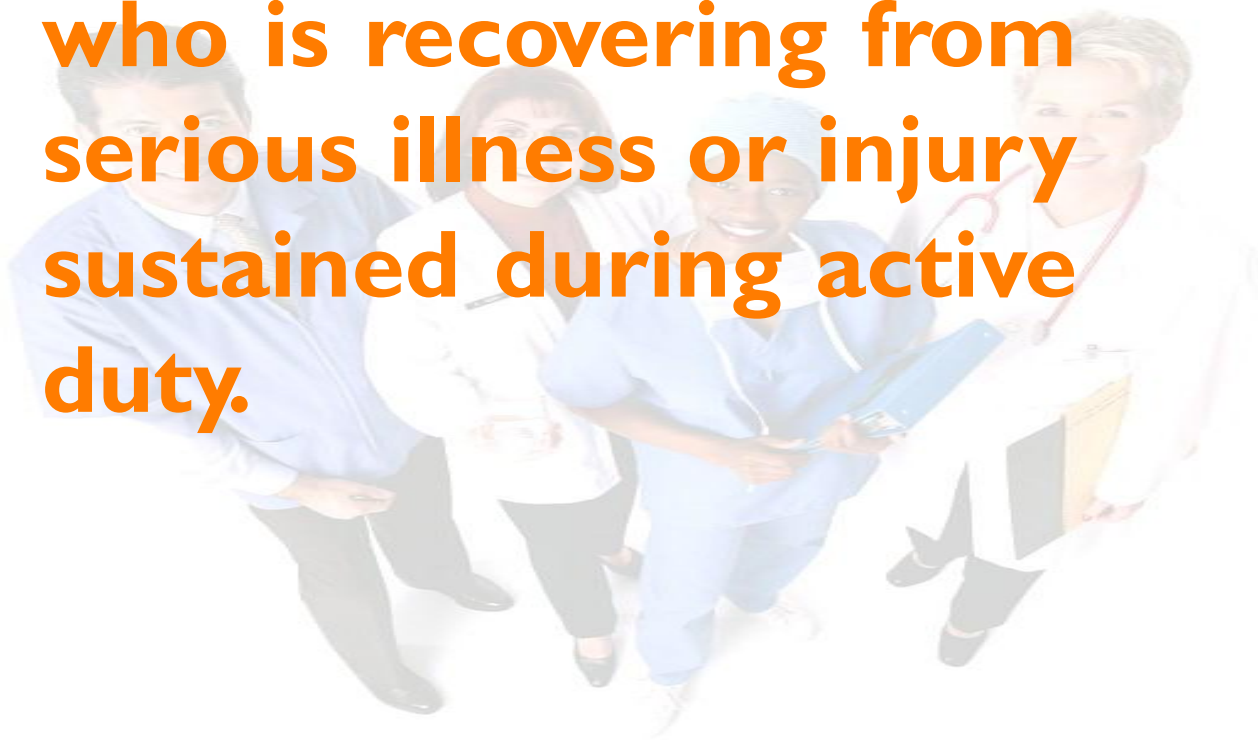




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Reasons for FMLA

who is recovering from serious illness or injury sustained during active duty.

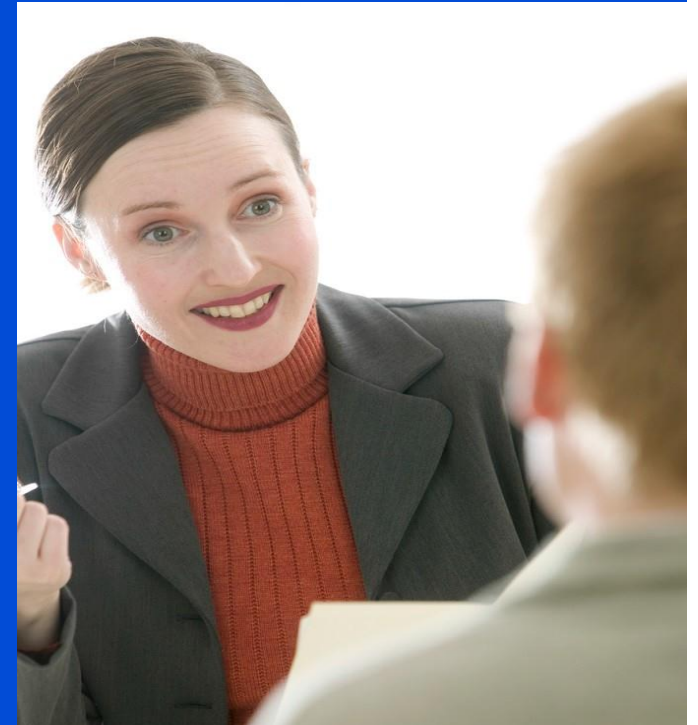




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Requesting FMLA

Don't be afraid to ask them... "Could the leave you are requesting possibly be considered Family Medical Leave?"





Why is FMLA important to me as a Supervisor?



- You have legal obligations
 - To the employee
 - To UT Arlington



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Why is FMLA important to me as a Supervisor?

- To be compliant with the law and UT Arlington policy**
- To prevent liability for UT Arlington or yourself**



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Why is FMLA important to me as a Supervisor?

- To cooperate with employees seeking leave
- To monitor use of leave time



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The truth about leave time at UT Arlington:

Employees are required to utilize all sick, vacation, and state comp time under FMLA before being placed on unpaid leave.



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Return to Work

When an employee returns to work from FMLA, unless they were out for the care of an immediate family member, they are required to provide their supervisor with a release from their health care provider.



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Return to Work

For the employee's convenience, HR has a Return to Work Certification form.

The employee can have their health care provider use this or their own form when they are released to return to work. If the doctor uses their own form



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Return to Work

The release must state the date they are fit to return to work and indicate whether the employee has restrictions. If so, they must list the restrictions and time frame for restrictions. Please send a copy of the release to Human Resources.



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Medical Confidentiality

- Medical certification is required for FMLA or SLP requests only. Those forms need to go straight from the employee to Human Resources, Employee Leave Services.



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Medical Confidentiality

- This information is confidential, and is protected under the Privacy Rule of the HIPAA (Health Insurance Portability and Accountability Act of 1996).



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Medical Confidentiality

- HIPAA is a federal statute originally passed in 1996. Effective April 14, 2003 mandatory provisions went into effect to protect the confidentiality of a participant's health information.



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Medical Confidentiality

- As a supervisor, you may ask your employee for a note documenting date and time of a doctor's visit to confirm use of sick leave.



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Medical Confidentiality

- Under no circumstances should you request or accept medical information regarding the employee or the employee's family member(s).



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Medical Confidentiality

- If the employee gives you the information voluntarily, please return the document to the employee immediately or shred the document and inform the employee that medical information is not required, nor will it be kept in their files.



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Questions? Thank you!

QUESTIONS ??



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Questions? Thank you!

Employee Leave Services

(817) 272-5554

www.uta.edu/hr