

# Best Practices:

## Meeting the Legal Requirements of Family Medical Leave

At times it may be tricky to balance the needs of your department with the legal requirements UTHSC must meet with regard to Family Medical Leave. The following best practices will assist supervisors and managers in this process, and address many of the concerns and questions that often arise.

### Best Practices

- Understand that UTHSC is required by law to comply with the FML request of eligible employees. Avoid discouraging employees from exercising their rights under FMLA due to business needs. Do not pressure employees with regard to their request.
- Have **every** eligible employee who is absent for 3 or more days, *whose absence meets the criteria of a serious health condition*, complete and return the request for Family Medical Leave. Sign and forward a copy of that request to the UTHSC HR Benefits office. Understand that FML is **not** only for employee's who do not have paid leave time available. All absences meeting the criteria for FML should be counted toward the annual FML leave allotment.
- Understand that a final determination of the status of the FML request may take up to 3 weeks. While the request is pending no further action should be taken with regard to the employee's absence. All persons who sign the FML request will receive the final determination in writing by email.
- Allow the employee to determine the level of information that is provided regarding the nature of their health condition. Understand that employee's are not required to disclose the details of their health condition with their department.
- Upon approval, employee timesheets should reflect the hours of absence under FML. If time approval occurs prior to the approval of FML, corrected timesheets should be completed and forwarded to payroll as soon as possible.
- The approval notice received from HR benefits provides a beginning and ending date based on the details or estimation of the employee's health care provider. Original estimations may vary due to the circumstance of an employee's health. It is necessary to understand the maximum amount of time an employee is eligible to take and plan accordingly.
- If the employee's original return to work date occurs and the employee fails to report to work you may contact the employee to determine if and when they plan to return to work. Avoid calling the employee prior to the original return to work release date. If you need assistance in determining the employee's ability or willingness to return to work contact the HR benefits office.

Managers and supervisors often find the administration of intermittent leave challenging; this is due to the variations in frequency and duration of employee absences. Managers need to clearly understand the employee's as well as the employer's rights and responsibilities. If you suspect FMLA abuse or have concerns or questions at any point during this process contact the UTHSC HR benefits office. Understand that employee's on FMLA can be disciplined for performance issues as well as attendance issues not covered under FML. The Family Medical Leave Act is a federal law and violations of that law can be costly for the university. Always use the resources available to you when handling concerns or problems with employees on FMLA by contacting HR Benefits.