

FMLA LEAVE ADMINISTRATION CHECKLIST

Thank you for attending our May webinar: *Top 6 Avoidable Leave of Absence Mistakes*. We hope you find this checklist helpful for your business.

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1. Use this checklist when an employee requests leave or when the company becomes aware of an employee's **need for leave**:
 - i. For the birth of a child of the employee and in order to care for the newborn child.
 - ii. For the placement with the employee of a child for adoption or foster care.
 - iii. To care for the employee's child, spouse, or parent with a serious health condition.
 - iv. Due to a serious health condition of the employee.
2. Confirm the employee is **eligible** for FMLA leave:
 - i. The employee has worked at least 1,250 hours in the preceding 12 calendar months.
 - ii. The employee has worked at least 12 months for the company (need not be consecutive).
 - iii. The employee works at a location with 50 or more employees in a 75-mile radius.
3. Based on the company's **12-month FMLA** period, determine how much leave the employee has available and when FMLA will exhaust.
4. Within five days of identifying the need for leave, provide the following:
 - i. Department of **Labor Model Notice of FMLA Eligibility and Rights & Responsibilities** or FMLA Eligibility Letter.
 - ii. The company's FMLA policy.
 - iii. Department of Labor Model Medical Certification of Health Care Provider for Employees or Family Members.
 - iv. Serious Health Condition, if applicable.
5. If/when the employee returns and proof of a need for bonding or adoption leave or the completed **medical certification for a serious health condition leave**, provide the employee with the following information within five days:
 - i. Department of Labor Model **FMLA Designation Notice** or
 - a. A letter designating FMLA and confirming the following:
 1. Benefit premium payment requirements.
 2. When group health benefits and FMLA end based on the current medical certification.
 3. Whether medical certification or a fitness for duty is required prior to return from leave.
 4. How and when to communicate during the leave.
 - i. If the leave is intermittent, advise the employee to inform the manager/supervisor that leave time is FMLA.

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6. Track how much leave is used (continuous or intermittent).
 - i. If anything in the leave changes, continue to track when FMLA will exhaust and when benefits will end following exhaustion of FMLA.
7. If the leave is continuous, remind IT and the employee's manager that the employee should not work during leave and disconnect network access so that the employee is fully on leave.
8. Schedule a reminder one to two weeks in advance of the employee's return to check in with the employee, confirm return date and confirm/remind of any required medical release or fitness for duty requirements.
9. If the employee is unable to return at the end of FMLA leave, consider extension of leave as a reasonable accommodation under the Americans with Disabilities Act for the employee's health condition, or a personal leave due to the care of a family member, if such leave is available per company policy and practice.
10. Communicate with the employee prior to his/her return to make any accommodations, request a release to work, if applicable, and create a plan to reintegrate the employee successfully back into daily work operations.
11. Reinstate employee benefits upon return to work.

This checklist is offered for general best practice information only. It does not provide, and is not intended to provide, legal advice.