



Disability and
Absence
Management

FMLA Checklist

Important Questions for Employers

When it comes to complying with ever-changing state and federal Family and Medical Leave Act (FMLA) leave laws, many employers may not be aware of the complexities they are facing.

How are you handling the following situations associated with common FMLA mistakes? Failure to handle these properly could result in compliance issues and very expensive lawsuits.

Use this checklist as the basis for discussion around solutions that can help protect your company, improve productivity, and provide value to your workforce.

WHEN IT COMES TO FMLA,
DIFFICULTIES ARE COMMON*

Keeping track of intermittent FMLA	61%
Interpreting federal and state leave laws	58%
Determining qualified serious health conditions	53%

- Are you currently informing all of your employees of their FMLA rights?
- Have you notified employees that their leaves have counted towards their 12 week FMLA entitlement?
- Are you aware that you can't count FMLA against your company's absentee policy for disciplinary purposes?
- Do you currently take disciplinary action against employees that utilize their FMLA rights?
- Do you currently grant leave in order for an employee to provide physical care or physiological comfort to a seriously ill parent?
- When an employee returns to work after an FMLA qualified leave, do you reinstate them to their same position and shift?
- Have you terminated an employee during a qualified FMLA leave?
- Have you ever failed to grant FMLA because of confusion over what constitutes a "serious health condition"?
- Do you currently request medical certification and give your employees 15 days to get it?
- Are you able to effectively handle questions about FMLA medical certification?

* The Guardian Absence Management Activities IndexSM and Study, 2015



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