A quick overview of the FAMILY MEDICAL LEAVE ACT (FMLA) for supervisors

5 Areas We Will Cover:
- FMLA Overview
- FMLA Procedure
- FMLA "Triggering" Events
- Do's & Don'ts Under FMLA
- Supervisor's Role and Responsibilities

FMLA Overview
Employees have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period. The 12-month period calculated is based on the City of Houston's (COH) Benefit Year (September 1 thru August 31st). COH requires use of accrued paid leave while taking FMLA leave.

Basic Leave Entitlement: FMLA requires the City of Houston to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job

FMLA Eligibility Requirements: City of Houston employees are eligible if they have worked for the City of Houston for at least one year, and have physically worked 1,250 hours over the previous 12 months prior to the date of the proposed FMLA leave.

FMLA PROCEDURE

Save all questions for the Q&A session at the end
**FMLA PROCEDURE**

**EMPLOYEE MAKES THE REQUEST**
Employees requesting FMLA leave must provide verbal or written notice of the need to the supervisor. When the need for leave is foreseeable, the employee must provide at least 30 days notice. If the employee becomes aware of the need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or next business day.

**SUPERVISOR CONTACTS FMLA COORDINATOR**
After the employee has made the request, the supervisor will then contact the assigned FMLA coordinator in HR so he/she may prepare an FMLA Package.

*Sergio Martinez (832) 393-7223*

**PROCESS FML DOCUMENTS & SEND NOTICES**
Human Resources provides the appropriate form to employees who may have a FMLA circumstance and handles all follow-up on medical certifications. Once all forms are submitted back to the FMLA coordinator, the employee and supervisor will receive FMLA notifications indicating if the case has been approved or disapproved.
FMLA PROCEDURE

EMPLOYEE MAKES THE REQUEST
Employee requesting FMLA leave must provide written notice of the need to the supervisor. The supervisor will then contact the assigned FMLA coordinator to schedule an on-site FMLA meeting or complete the FMLA process. The FMLA coordinator will then provide the employee with the necessary documentation to complete the FMLA process. The FMLA coordinator will then provide the employee with the necessary documentation to complete the FMLA process. The FMLA coordinator will then provide the employee with the necessary documentation to complete the FMLA process. The FMLA coordinator will then provide the employee with the necessary documentation to complete the FMLA process. The FMLA coordinator will then provide the employee with the necessary documentation to complete the FMLA process.

SUPERVISOR CONTACTS FMLA COORDINATOR
After the employee has made the request, the supervisor will then contact the assigned FMLA coordinator or to schedule an on-site FMLA meeting. Sergio Martinez (832) 393-7223

PROCESS FML DOCUMENTS & SEND NOTICES
Human Resources provides the appropriate forms to employees after they have been notified by their supervisor. Once all forms are submitted back to the FMLA coordinator, the employee may then proceed with the FMLA notification process. If the case has been approved, the employee will receive a formal notice indicating if the case has been approved or denied.

FMLA "TRIGGERING" EVENTS
A serious health condition is an illness, an injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

What triggers an FMLA Leave qualifying event?
- Employee is incapacitated for more than 3 full consecutive calendar days
- Employee indicates he/she is being hospitalized (or a family member)
- Employee indicates he/she needs to time off to tend to child, spouse, or parent with a serious health condition
- Employee indicates he/she needs to spend time off due to their own serious health condition

Do's & Don'ts Under FMLA
Employers and their supervisory staff should steer clear of questions pertaining to the condition or specific reason someone is taking leave. It is not advisable to ask what is wrong with an employee, or what they are seeing their doctor for. These types of questions do not pertain to the employer's operations and can increase legal risk for employers.

Don't contact an employee while on FMLA leave
Do require a fitness-for-duty certification as a condition of restoring the employee whose need for leave was due to his or her own serious health condition
Don’t take ‘adverse action’ against employees who have taken FMLA leave
Do inform your employees of their responsibility to issue notice
Don’t say the wrong things when employees request FMLA leave
Do keep notes for documentation purposes

FMLA "TRIGGERING" EVENTS (Continued)
- Employee indicates he/she has a son, daughter, spouse, or parent who has sustained, or is recovering from, a serious illness or injury sustained in the line of duty while on active duty in the military, or otherwise has a family member who has been called to active duty status in support of a contingency military operation
- Employee sustains/reports an on-the-job injury (HR Department Risk Management will notify FMLA Coordinators of all injuries)

UNSURE ABOUT A PARTICULAR SITUATION?
CONTACT YOUR ASSIGNED FMLA COORDINATOR
Sergio Martinez (832) 393-7223
Supervisor's Role and Responsibilities

- Supervisors are an important first step in the FMLA leave process. Specifically, supervisors will need to notify the department's FMLA Coordinator when an employee's absence "triggers" a potential need for FMLA leave.

- Once HR is notified of the FMLA request, it is then the responsibility of HR to initiate the FMLA application and determination process. Supervisors should not ask about or get involved in the medical issues of the employee.

- It's important that supervisors ensure that your employees leave is documented and properly coded within the KRONOS system as protected FMLA usage. If you need to perform historical edits, contact your ARA - Payroll Dept. representative for assistance.

- It is the supervisors responsibility to document any absences that may be FMLA abuse. This will help to recall your memory in the event that the employees time is questioned or in case you need to testify in a legal case. When an employee calls in, you can ask non-medical questions about his/her leave.

- Supervisors are to communicate with the FMLA coordinator if questions arise regarding FMLA leave. If you suspect an employee is abusing FMLA or see that an employees leave time is not consistent with his/her approval notification, contact their FMLA Coordinator for further instructions.

Frequently Asked Questions

- What is FMLA?
  - FMLA is a federal law that gives employees certain rights to take unpaid leave when they need to care for themselves or their family members.

- How long can I take FMLA leave?
  - The maximum length of FMLA leave varies depending on the size of the company and the number of employees who work at the company. The maximum leave is 12 weeks for full-time employees and 10 weeks for part-time employees.

- Can I take FMLA leave for the birth of my child?
  - Yes, you can take FMLA leave for the birth of your child.

- Can I take FMLA leave for the adoption of a child?
  - Yes, you can take FMLA leave for the adoption of a child.

- Can I take FMLA leave for the care of my own serious health condition?
  - Yes, you can take FMLA leave for the care of your own serious health condition.

- Can I take FMLA leave for the care of my spouse, child, or parent who has a serious health condition?
  - Yes, you can take FMLA leave for the care of your spouse, child, or parent who has a serious health condition.

- Can I take FMLA leave for jury duty or military duty?
  - Yes, you can take FMLA leave for jury duty or military duty.

- Can I take FMLA leave for the birth of a biological, adopted, or foster child?
  - Yes, you can take FMLA leave for the birth of a biological, adopted, or foster child.

- Can I take FMLA leave for the care of a spouse, child, or parent who is a covered servicemember or veteran?
  - Yes, you can take FMLA leave for the care of a covered servicemember or veteran.