

Family Medical Leave FAQ for supervisors

Has my employee contacted you?

We receive notification of an employee's need for Family Medical Leave (FML) in many ways:

- The employee will request FML well in advance - when an employee is expecting a baby or when they or someone in their family has a serious medical condition that requires treatment. We often receive this type of application when an employee's parent is aging and has multiple medical end of life issues or when a surgery is scheduled.
- A supervisor will tell us that the employee has been absent for an extended period of time and wants to know if we have been contacted. This most often happens when the employee is injured or has an illness, but is not regularly being treated by a physician.
- If an employee has used up all of their accruals and are facing discipline, it will prompt them to apply for FML. The supervisor should encourage them to contact HR regarding FML prior to the point of discipline. Employees who fit these criteria usually have a chronic medical condition.
- Some employees have made repeated trips to a doctor for treatment of a serious medical condition and during one of the visits the doctor tells the employee that they need treatment of the condition immediately. The treatment could be a surgery, a regimen of daily treatments etc. This occurs frequently with joint replacement and certain other surgeries.
- We also receive notification when an emergency medical situation arises that either places the employee immediately in the hospital or requires immediate treatment. Some examples could be a severe car accident, heart attack, stroke, or a diagnosis of cancer.
- We also have employees who do not apply for FML, but use their sick and vacation accruals. We ask the employee to provide a note from their physician and once the note is received, we send an email to the supervisor.

We do not notify an employee's supervisor when an employee inquires about FML or requests an application.

The FML approval letter said the employee will return on a certain date. What if they don't return on that date?

The approval letter includes the start date of the leave and anticipated date for return as indicated by the doctor. This date often changes as complications occur and recovery isn't always as planned.

My employee uses their leave accruals as soon as they get it. Why are they eligible for sick leave pool?

History of accrual usage is not considered in the approval process for sick leave pool. It is based on the employee's eligibility at the time of the application. Sick leave pool is awarded based on financial need as well as medical information received from the doctor.

What am I supposed to do with their workload?

Duties can be re-assigned or a part time employee may be hired.

The employee filling in is doing the job better than the one on leave. Can I keep them in the job?

Following FML, employees will be returned to the same or an equivalent position, status, and pay, held when the leave began, subject to College policies dealing with workforce reducing circumstances. Salt Lake Community College cannot guarantee an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by Salt Lake Community College.

Can I set the work hours when my employee is using intermittent leave?

For intermittent leave for the employee's serious health condition - doctor's appointments, even those related to the medical condition, will need to be pre-approved by the supervisor and scheduled as much as possible so as not to interfere with regular job duties.

There are occasions when the doctor will dictate the schedule based on the medical condition or treatment schedule.

Employees who return following FML with work hour restrictions should work with the supervisor to have those hours scheduled to best meet the needs of the department.

Employees using intermittent leave for bonding with a child, or adoption, must work out a schedule with their supervisor.

What if the frequency and duration of absences consistently exceed what the medical certification indicated?

Employees are asked to recertify when the frequency and duration consistently exceed what the medical certification indicated. Employees are also asked to recertify at the mid-point of the fiscal year when using intermittent leave for a chronic condition.

The employee has returned, but the restrictions keep them from doing their job.

HR will work with the supervisor to determine if there is work that can be completed by the employee. It may be part of their job duties, or some other temporary duties that need to be completed.

What can I tell the other members of the department, when an employee is on leave.

You can tell other employees that the employee is on family leave and an anticipated return date, but you can never disclose the reason for the leave or any other medical information.

How long can the employee be out?

The family leave statute allows an employee 12 weeks each fiscal year as long as they qualify for family leave. To qualify for FML, an employee must have been employed by the college for one year and must have worked 1250 hours in the 12 month period immediately preceding the start date of the leave. When an employee has accrued leave, the college allows the employee to use the leave as long as medical certification is provided. While using accrued sick leave, the employee has the same protections afforded under FML. A faculty member may be approved for a full semester or the remainder of the semester.

I am getting ready to discipline my employee, and now they have applied for FML.

FML does not protect an employee from discipline already in process at the time of application for leave. It may postpone further corrective action until after the leave.

Can I force my employee to take FML?

Supervisors are responsible to refer employees to HR whenever they receive information that may indicate the employee may have a serious health condition.

What do I do when my employee gives me a medical note or documentation?

Medical documentation should not be kept in department files. It should be forwarded to HR.

Can I contact my employee while they are on leave?

Work related communication should be coordinated with HR and kept to a minimum.

The employee on leave is contacting other employees about work related issues, or working from home. How do I handle this?

This is rare. If it does happen, contact Human Resources.

I don't want my employee to have access to their email while they are on leave, and I want their email forwarded to me.

Supervisors should request that the employee put an "out of office message" on their email, or forward the email to a designated member of the department. The employee would continue to have access to their email. The law requires that employees on FML have the same access rights and privileges as any employee who is currently working.

The employee was seen working or playing somewhere else while they were on FML. What should I do?

FML is granted based on a health care providers' medical certification. It is not the responsibility of the institution, or of its employees, to speculate on activities that can be engaged in during FML.

My employee won't tell me why they need the leave.

Employees are not required to share any medical information with anyone other than Human Resources personnel administering the leave. To ask an employee about their medical condition is a violation of the FMLA. Human Resources will share with the supervisor the timeframe of the leave, restrictions following the leave, and frequency and duration of intermittent leave as dictated by the health care provider.