Expert Advice on the Family Medical Leave Act

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**Adedayo**: Welcome to Leading Edge Online. My name is Adedayo Adeniyi, I am the Director For Leadership and Organization Development in the Office of the Vice President For Human Resources. Joining me today is Sharon Williams, Sharon is a Senior Employee Relations Specialist. Welcome, Sharon.

**Sharon**: Thanks, Adedayo.

**Adedayo**: Today's focus is the Family Medical Leave Policy. Sharon, can you please share with us the principle purpose of the policy and give us a little background in terms of why this policy was actually established.

**Sharon**: Purdue established a Family and Medical Leave Act policy due to a federal law being created. The federal law requires us to provide 12 weeks of unpaid leave in a rolling 365 day period.

**Adedayo**: So Sharon, you had mentioned that a Family Medical Leave Policy is unpaid. Does that mean that staff members take family medical leave without pay?

**Sharon**: If employees have paid sick leave or paid vacation time they can use that to take family medical leave in a paid status.
Adedayo: Very good. So when we think about the family medical leave, who's actually eligible to take family medical leave?

Sharon: Individuals have to have been employed with Purdue 12 either consecutive or non-consecutive months, and they also have to have worked at Purdue 1250 hours in the last year.

Adedayo: So if I qualify for family medical leave and I meet those qualifications, what are some qualifying events that allow me to take family medical leave?

Sharon: You can use family medical leave for yourself, for your spouse, for your children, or for your parents.

Adedayo: So is this in regard to a serious health condition, adoption -- what circumstances could I actually use the leave?

Sharon: There's a variety of circumstances in which you can use family and medical leave. Obviously, if you have your own serious health condition you could use the leave for that. If you need to adopt a child, you can use family medical for that. If you need to take care of your child who's under 18 who has a serious health condition, you can do that. Or if you need to be there for the comfort and well-being of your parent, spouse, or child, you can do that.

Adedayo: This sounds very tricky in terms of implementing as a supervisor.
Sharon: It is very complicated, because the FMLA actually overlays all the paid policies that -- leave policies that Purdue provides. And so any time someone tells you that they need time away from work for more than three consecutive calendar days it's really important that we provide them FMLA paperwork.

Adedayo: So I'm thinking that there are other policies that tell supervisors that you don't want to pry into a person's medical conditions and other things of that nature. As I'm -- as a supervisor as I'm implementing family medical leave, what would be a recommendation in terms of how much information do I need and when do I send the person to get support someplace else?

Sharon: It's important that supervisors not ask detailed medical information of their employees. If they have enough information to know that the employee needs to be off for several days, if the employee maybe has shared with them that they're going to be in the hospital overnight or they're going to have treatment from a healthcare provider that's ongoing, it's a good idea to provide that employee with FMLA paperwork. You don't need to know diagnosis information or those types of things. That's not going to help you be able to do your job.

Adedayo: Sounds like supervisors are responsible for providing the paperwork and following up, or is it I provide them with paperwork and what the employee does with that paperwork with between them and HR?

Sharon: It's important that you provide the employees with the paperwork, and it's important that employees follow through and provide the medical certification to their healthcare provider and that we get that back. And then once the employee returns from leave that they provide you with a return to work slip. If that's required from that particular kind of leave.
Adedayo: Is there any help that I can provide as a supervisor to make sure that the employee has followed through in submitting the paperwork?

Sharon: Once FMLA paperwork has been submitted, the human resources service center will provide the supervisor with notification that it's been received, that they have the completed paperwork, and how long the employee needs to be off and when they're expected to return. So the employee -- the supervisor just really needs to make sure that that paperwork is completed.

Adedayo: So in other words, if I don't hear back from human resources as a supervisor that means the paperwork probably has not been completed and I need to follow up with the employee to get the paperwork done?

Sharon: You can follow up with the human resources service center and they can let you know what parts of the documentation have been completed and what they still need to complete the FMLA approval.

Adedayo: Very helpful. Sharon, we’re talking about the paperwork and submitting the paperwork. Sometimes employees don't want to do the paperwork because it's a process and it takes a little time. Is it up to the employee whether or not they use family medical leave if they have sick time?

Sharon: It's not necessarily up to the employee. If we have reason to believe that the time that they're taking qualifies for FMLA then the university can require the employee to complete the paperwork. If we would not require the employee to do the paperwork and they really do qualify for FMLA, then they would still have
the protection of the FMLA even though we haven't tracked it as that. And in addition to that, we would be providing them additional unpaid time down the road.

**Adedayo:** So it sounds as though there's a benefit to the department to ensure that it's done right?

**Sharon:** Yes. There's a benefit to the department because they're making sure that the employee is using the correct leave for the time that they're away from work.

**Adedayo:** Very good. Sharon, are there tips that you would like to provide to the supervisor to help them ensure compliance with the Family Medical Leave Policy?

**Sharon:** It is important to remember that the FMLA is a federal law and we're required as a university to follow that law. So any time anyone has a serious health condition, military exigency issue, their parent, their spouse, or their child has a serious health condition or need for their comfort that we provide the employees with the paperwork necessary to track their leave as FMLA. Your business office or human resources can help provide you guidance in that area. It's important that you follow up, have follow up, to make sure that the paperwork has been completed. And it's important that you understand that FMLA is job-protected leave. So you can't as a supervisor make any determinations about someone's promotion or someone's performance evaluation, someone's raise, all that information is not something you can make a decision on when someone's on FMLA or when they return from FMLA, you can't use that time against them as though they weren't here. So when someone's on FMLA it's actually as if they were at work. You need to be careful not to inquire about specific medical diagnosis information. All you really need to know is that
the person needs some time away from work and it's going to be more than three consecutive calendar days. So actually if someone's off work a Friday and a Monday, that's four consecutive calendar days because the weekend counts. You need to be sure that if you don't understand why someone's off, you need to go ahead and provide them the FMLA paperwork, because I'd much rather have you have the information come back that says it's doesn't qualify as FMLA rather than having someone come back and say, well, I was off, and this leave should have counted as FMLA but we didn't track it that way. When someone returns to work they're going to need to provide you with a return to work slip. And if they don't have one and it's for a type of FMLA that requires one, then you need to send that person home or to is send them to the doctor's office so we have a slip that says they're able to return to work. If they have a return to work slip that has restrictions on it, then you need to contact your human resources area to make sure that you're implementing those restrictions appropriately.

Adedayo: Sharon, what are the common errors that supervisors and employees make when implementing family medical leave?

Sharon: Family medical leave is a very complicated leave to implement. Some of the common errors are lack of timely paperwork or not tracking the FMLA leave at all, which in essence provides potentially the employee 12 weeks of unpaid additional leave because we've already used the Purdue leave, but we haven't tracked the leave. FMLA can be taken intermittently on a continuous basis, or on a reduced schedule. And by that I mean intermittent leave is something where the employee may be off six to eight days a month but you don't know exactly when those days might be. They also may need to take a reduced schedule, so maybe they can only work half days for a period of time. Or continuously means they would be off work continuously. In those types of situations where there's reduced schedule or intermittent leave or even on a continuous basis of leave, supervisors have difficulty sometimes scheduling the work or maybe employees have difficulty completing the work. In those particular cases, supervisors really
need to work with their human resources representative to make sure that they're not violating any part of the law.

**Adedayo:** As we wrap up, Sharon, are there parting thoughts that you’d like to leave with the supervisor?

**Sharon:** It is important to remember that the Family and Medical Leave Act is a very complex leave. It intertwines with other Purdue leave policies, and so it's important that you use HR as a support throughout this process. Paperwork needs to be on time and supervisors need to follow up to make sure that it gets completed.

**Adedayo:** Sharon, thank you so much for sharing your expert advice. We really appreciate it.

**Sharon:** Thanks for the time.