

Finding answers for your FMLA questions

The Family and Medical Leave Act (FMLA) presents a mountain of complexities for employers to navigate. Administrative oversights and missteps can snowball into a costly mistake. With so much at stake, having the right resource to lead your team through the maze of employer requirements is critical. Bukaty Companies' HR Consulting team has years of experience navigating FMLA obligations.

Review these quick-hit questions and answers to some common FMLA inquiries, then gain a greater understanding of FMLA requirements by [booking a training session](#) with our team. Now through September 30, Bukaty clients will receive a nearly 15% discount on FMLA training completed before yearend.

Are all employers required to offer FMLA leave?

No. FMLA applies to private employers with 50 or more employees on payroll for 20 or more calendar workweeks in either the current or preceding calendar year. Public agencies, public and private elementary and secondary schools and school boards are covered employers regardless of the number of employees.

Can an employer request a predictable schedule for intermittent leave to avoid disruption?

If intermittent leave unduly disrupts operations, employers may work with the employee to find an alternative schedule. However, they cannot deny medically necessary leave outright.

Can part-time seasonal or temporary employees qualify for FMLA leave?

Yes, if an employee has worked for an employer for a cumulative total of 12 months and worked at least 1,250 hours in the 12-month period immediately preceding the start of the leave request, the employee is eligible for FMLA leave. In the event a temporary employee is employed by a staffing agency, the agency would be the employer responsible for administering FMLA.

Is it the employee's obligation to request FMLA leave?

An employee does not have to explicitly request FMLA leave. Employers have an obligation to designate FMLA leave when they have been provided sufficient information to recognize the need for leave.

Can an employer require a doctor's note or call-in for employees using intermittent leave, after each absence?

Yes, an employer can require an employee to follow a call-in procedure. Employers should be careful when asking for documentation or doctor's notes, as it could be considered a recertification. It's best practice to wait 30 days before requesting or requiring employees to submit additional medical documentation. Exceptions can occur when there is a frequency of leave that does not align with the designation, or if there is a pattern of habitual misuse of leave. To curb misuse, it is best for intermittent cases to be recertified after six months.

Are employers obligated to continue employee benefits during FMLA?

Yes, employers are obligated to continue benefits during leave at the same premium-share formula. Best practice is to address premium payment arrangements in advance of leave. If the payment schedule isn't adhered to, the employer can cancel the benefits following a 30-day grace period and a 15-day written notification of cancellation due to nonpayment. The employer is obligated to reinstate coverage upon the employee's return. Details of the reinstatement should be addressed in the employee handbook or a summary plan document.

When it comes to navigating FMLA leave management, eligibility needs to be evaluated on a case-by-case basis. Avoid FMLA missteps with confidence by taking a [training session](#).