

Family Medical Leave Act (FMLA) Manager/Supervisor Responsibilities

Dear Supervisor or Manager,

The enclosed letter serves to notify you that an employee that reports to you is approved for FMLA. The enclosed letter should state specifically whether the FMLA absence is expected on an intermittent or continuous basis. Please read carefully through the below information to be aware of your responsibilities as a supervisor/manager. If you have any questions or need assistance, do not hesitate to contact Human Resource Management (HRM).

Tracking FMLA absences

- Notify HRM of change in conditions for employee approved for FMLA coverage, e.g., pattern of leave and/or hours and/or dates of leave differ from that approved by HR.
- **Track** employee leave usage, including FMLA leave usage in .25 increments, whether an exempt or non-exempt employee (whether continuous, intermittent or both).
 - A **FMLA Tracking Form** (Excel Workbook) is available upon request from HR
 - Use the form to track all absences, both FMLA and non-FMLA leave.
 - Non-Exempt (Hourly) Employees:
 - Ensure that FMLA leave is coded in HR/Pay as FMLA.
 - When a Non-Exempt employee takes time off for FMLA, but has no accrued leave balance (i.e., is on leave without pay), the leave shall be entered into the timesheet in HR/Pay as LWPNF (leave without pay FMLA)
 - Exempt (Salary) Employees:
 - Ensure that FMLA leave is coded in HR/Pay as FMLA. Keep in mind that while on FMLA, exempt employees can submit FMLA leave in as small as .25 hour increments. They are not limited to submitting leave in four hour blocks as with non-FMLA leave.
 - When an Exempt employee takes time off for FMLA, but has no accrued leave balance (i.e., is on leave without pay), the leave shall be entered as an absence request in HR/Pay as LWOP and the reason selected shall be FMLA.
 - The actual time taken off for FMLA should be entered into the FMLA Tracking Form.
 - Notify HR of anticipated exhaustion of FMLA leave (within 2 weeks of running out of 12 weeks of leave in a 12 month period).

Confidentiality

- Comply with **privacy** requirements.
 - As much as possible, limit knowledge/receipt of employee FMLA medical/health information/ documentation.
 - All medical information is confidential and maintained in HR, separate from personnel file.
 - Should require the employee to state whether leave taken is FMLA leave or not.

Human Resource Management

1246 West Campus Road
Lawrence, KS 66045
<http://humanresources.ku.edu>

785-864-4946
Fax 785-864-5790
hrdept@ku.edu

Supervisor/Manager FMLA Responsibilities

Leave Reporting Requirements

- Hold employee accountable for **leave request notification requirements** of Department/Unit/Office.
 - For prolonged/continuous FMLA absence: When it is expected that the employee will not be at work for a specific period of time, the employee is not required to call in for each day of absence.
 - For intermittent FMLA absence: The enclosed FMLA approval letter notifies you what type of absence to expect; i.e., 2 days a week, ½ days. The employee is required to call per the Department/Unit/Office policy for every absence. The employee is to inform the supervisor that the absence is due to the FMLA qualifications. If the employee does not provide that information, the supervisor should ask if the absence is for the FMLA qualification. If it is not for FMLA, the absence should be recorded as required by policy.

Return to work

- Ensure that the employee (on FMLA leave for own serious health condition) has **presented a release from his/her health care provider to Human Resource Management** before returning to work. If the employee provides a release to you, immediately send it to HRM, or advise the employee to send it to HRM in the confidential envelope they were provided with their FMLA approval letter.
 - If the employee does not provide a release to return, notify HRM
 - If the employee does not return to work after their approved FMLA ends, notify HRM immediately.
- Ensure that the employee is not subjected to any adverse action based on FMLA absences.
 - Leave taken for FMLA purposes cannot be addressed in a Performance Evaluation.
 - Leave taken for FMLA purposes cannot be the basis for any disciplinary action or non-appointment.
- Ensure that the employee is held accountable for performance and conduct while at work; but consult with HR before taking any action.
- If FMLA leave has been exhausted and the employee needs to take additional leave, coordinate with HR and ADA Resource Center for Equity and Accessibility to determine if additional leave can be provided as a reasonable accommodation under ADA and if so, how much more leave is reasonable.
- After the employee is returned from a prolonged/continuous FMLA absence, ensure that the employee is reinstated to the same or equivalent position.

Additional Information

- Individuals holding tenure-track, faculty appointments are encouraged to review the university's policy on interruption of the tenure clock (<http://www.policy.ku.edu/provost/interruption-of-tenure> clock). All tenure-clock extension requests should be directed to the Dean of your school outlining the dates of your absence or reduced schedule, and be submitted within six months of the completion of the leave and prior to May 1 of the year preceding the mandatory review.
- If the employee at any time indicates that they have a health condition that would affect their ability to perform the essential functions of their position, please advise them they may contact the ADA Resource Center for Equity & Accessibility at (785)864-4946 or accommodations@ku.edu.

Human Resource Management

1246 West Campus Road
Lawrence, KS 66045
<http://humanresources.ku.edu>

785-864-4946
Fax 785-864-5790
hrdept@ku.edu