

STEP-BY-STEP FMLA CHECKLIST

- STEP 1** **Employer completes Section I of appropriate medical certification form before giving it to employee. In addition, Form WH-381 Notice of Eligibility and Rights and Responsibilities is to be provided to employee within 5 business days of the employee notifying you of his/her need for FMLA leave.**
- Attach a copy of the job description or include essential duties.
 - Employer must determine eligibility and designate leave as FMLA within five business days of the employee first notifying you.
 - Employer completes Parts A & B of Form WH-381 in its entirety.
 - Employees are required to comply with the County's usual procedures for reporting absences from work. **Therefore, the Employer must clearly communicate the employee's obligations, specify what needs to be done and who to contact should they need FMLA leave.**
 - Employees must inform the Employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- STEP 2** **Employee completes Section II of the Certification before giving it to his/her medical provider. This form is to be returned to the Employer within 15 calendar days.**
- STEP 3** **Employer must give written designation that leave qualifies (or not) as FMLA leave within five business days after acquiring enough information to determine if it qualifies using Form WH-382 – Designation Notice. Contact HR for clarification or assistance, if needed.**
- When employee is on FMLA leave the entire week in which a holiday falls, it is counted against FMLA.
 - Provide number of hours, days, or weeks to be counted against leave entitlement.
 - If additional information is needed to determine leave, you must specify on the form and provide **seven** calendar days for employee to provide information.
 - Employee is required to submit a timely and sufficient certification form. Terms such as “unknown” or “indeterminate” may not be sufficient enough to determine FMLA coverage.
- STEP 4** **The Employer shall continue health and/or other benefits while the employee is on FMLA leave. When employee's status changes to “non-FMLA” or leave is exhausted, all benefit issues are to be reviewed with Human Resources before taking any action. All related FMLA leave is to be tracked on an Attendance Tracking sheet each month and returned to HR Department. Notify HR as soon as possible if an employee decides not to return to work while on FMLA leave.**
- STEP 5** **After employee submits a fitness-for-duty note (if applicable), restore the returning employee to the same or equivalent position and resume all health and/or other benefits.**
- Notify Human Resources of his/her return-to-work date.
 - Fitness for Duty Note and Attendance Tracking Sheet(s) are to be turned in to Human Resources.

Note: For tracking purposes, the County's policy uses a “rolling” 12-month period measured forward at the first date of FMLA usage. All medical records are to be kept in the Human Resources Department Only!