

Manager Procedure and Responsibilities under FMLA

Relevant Resources & Policies

- [Department of Labor \(DOL\) Family and Medical Leave Act \(FMLA\)](#)
- [4.18.5 Authorized Leave | D.6 Family Medical Leave \(FMLA\)](#)
- [4.18.4 Sick Leave | D.5 Extended Sick Leave Absences](#)
- [UT Tyler Website | Leave](#)
- [UT Tyler Website | FMLA](#)

Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) provides eligible employees up to 12 unpaid weeks of job and benefit protected leave per year for specific family and medical reasons. FMLA also provides Military Caregiver Leave of up to 26 unpaid weeks of job and benefit protected leave per year.

FMLA can be taken continuously, intermittently, or on a reduced schedule.

Eligibility Requirements

Note: HR, not the manager, will determine whether an employee qualifies for FMLA.

1. Employee has worked 1,250 hours during the 12 months prior to the start of the leave. 1,250 hours must be hours worked and do not include paid and unpaid leave hours.
2. Employee has worked for the employer for 12 months. The 12 months are not required to be consecutive.

Qualifying Conditions

1. Birth of child, and to bond with newborn child.
2. Placement with the employee of a child for adoption or foster care, and to bond with that child.
3. To care for immediate family member (spouse, child, or parent but not parent "in-law") with serious health condition.
4. Qualifying exigencies arising from employee's spouse, child, or parent on active duty or call to active-duty status as a member of National Guard, Reserves, or Regular Armed Forces.
5. Military Caregiver Leave: To care for a service member with a serious injury or illness.

Procedure

1. Employee initiates FMLA request via [Request form](#). If the employee is unable to, the manager may submit.
2. HR will collaborate with the employee on their FMLA request.
3. Once FMLA request is processed, HR will notify employee and manager of FMLA approval or denial.
4. If FMLA is approved, employee must keep HR and manager informed of expected return-to-work date and if the need for leave changes.

Manager FMLA Responsibilities

It is your responsibility, as a manager, to:	It is NOT your responsibility, as a manager, to:
<ul style="list-style-type: none"> • Maintain a safe, secure, and productive environment for employees. 	<ul style="list-style-type: none"> • Diagnose medical conditions or drug and alcohol problems.
<ul style="list-style-type: none"> • Evaluate and discuss performance with employees. 	<ul style="list-style-type: none"> • Have all the answers.
<ul style="list-style-type: none"> • Treat all employees fairly. 	<ul style="list-style-type: none"> • Provide counseling or therapy.
<ul style="list-style-type: none"> • Act in a manner that does not demean or label people. 	<ul style="list-style-type: none"> • Be a police officer.

Manager Do's and Don'ts for FMLA Issues

<ul style="list-style-type: none"> • DO document conversations you have with employee concerning their need, use, and reason for the leave, the date and time of the conversation, and exactly what the employee tells you. If the employee tells you the condition and/or symptoms, then document this, but do not ever ask what their condition or symptoms are. 	<ul style="list-style-type: none"> • DO NOT keep any records related to employee's serious health condition, including doctor's notes, in the employee's department or HR file. Do not ask for a doctor's note when the employee is out for their intermittent leave. The certification form provided to HR is sufficient to cover the time missed.
<ul style="list-style-type: none"> • DO document the date(s) of leave. 	<ul style="list-style-type: none"> • DO NOT try to diagnose the problem.
<ul style="list-style-type: none"> • DO enforce call-in procedures. 	<ul style="list-style-type: none"> • DO NOT deny the employee overtime if this is an option available to all employees. An employee can make up their pay if they are on intermittent leave, but they cannot make-up FMLA time.
<ul style="list-style-type: none"> • DO consult with HR if you have an employee who has time and attendance issues. 	<ul style="list-style-type: none"> • DO NOT reference FMLA leave in a performance review.
<ul style="list-style-type: none"> • DO recognize that frequent absences may be due to a serious health condition-the employee's own or that of a qualifying family member. 	<ul style="list-style-type: none"> • DO NOT make any comments that discourages an employee from taking or requesting FMLA leave.
<ul style="list-style-type: none"> • DO advise the employee to request leave and contact HR for additional information and support through the process. 	<ul style="list-style-type: none"> • DO NOT make any changes in compensation, duties, or other conditions of employment for any reason related to FMLA leave. If you need to discipline an employee for reasons unrelated to FMLA, make sure that those reasons are well documented.
<ul style="list-style-type: none"> • DO consult with HR if you are considering any negative employment action against an employee who is on FMLA or recently returned from FMLA. 	<ul style="list-style-type: none"> • DO NOT tell other employees about the employee's medical condition.
<ul style="list-style-type: none"> • DO trust the employee's doctor to determine what duties an employee can perform. 	<ul style="list-style-type: none"> • DO NOT harass the employee about coming back to work as soon as possible
<ul style="list-style-type: none"> • DO emphasize that the UT Employee Assistance Program is confidential, voluntary, and there to help employees. 	<ul style="list-style-type: none"> • DO NOT make any changes to the employee's schedule without contacting HR.
	<ul style="list-style-type: none"> • DO NOT ask questions about an employee's medical condition. Document facts, not opinions.