



San Diego Community College District
3375 Camino del Rio South
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FAMILY MEDICAL LEAVE ACT

Introduction

The Family and Medical Leave Act (FMLA) is a benefit that allows qualified employees to take up to twelve weeks of leave during any 12-month period for his or her own personal illness, for the birth or adoption of a child, or to care for a family member. Employees may also take FMLA leave to take care of personal and family matters in the event a spouse or another eligible family member is called to active duty in the Armed Forces.

Due to the complexity of FMLA law, administrators who have difficult FMLA issues are encouraged to contact Human Resources, Risk Management to ensure a thorough review of any concerns that may arise in their respective areas.

FMLA Administrator / Human Resource, Risk Management & Payroll Responsibilities

The duties of a department FMLA administrator will vary according to each department, but the main duties will most likely consist of, among others:

- ensuring the department's compliance with the FMLA;
- determining the FMLA eligibility of employees who need leave due to FMLA-qualifying absences;
- overseeing the employee FMLA leave balances and periodically reviewing for accuracy;
- training supervisors and managers on FMLA procedures where necessary;
- communicating with Human Resources if questions arise regarding FMLA leave; and
- distributing packets of information to employees who may need FMLA leave.

Supervisor / Manager Responsibilities

Supervisors and managers must establish themselves as a first step in the FMLA leave process. Supervisors are not required to be FMLA "experts"; however, supervisors must know which types of absences indicate an FMLA-related condition.

Supervisors must notify the FMLA leave administrator / Human Resources, Risk Management when an employee absence indicates a potential need for FMLA leave. This need could be evident when an employee:

- notifies a supervisor, manager, or administrator of their own pregnancy or a spouse's pregnancy, that his/her family will be adopting a child, or that the family will be receiving a child from foster care;
- misses more than five continuous days of work;
- is absent on an intermittent basis due to a chronic health condition (i.e. diabetes, migraine headaches, etc.);
- is placed in a hospital or day care facility for any length of time;
- is needed to care for a covered family member of the armed forces, or is needing leave due to a covered family member's being called to active duty; and/or
- is needed to care for a family member (child, spouse, parent) who is suffering from a serious health condition.

Supervisors and managers must ensure, among other items, that employees who need FMLA leave:

- are returned to the same or equivalent position with equivalent benefits, pay, and other working conditions of employment;
- are not subjected to adverse employment action for absences attributed to such leave; and
- are otherwise not obstructed from exercising their right to take FMLA leave.

Employee Responsibilities

Employees have responsibilities to fulfill if the leave taken is to be granted or designated as FMLA leave. In general, employees must:

- provide 30 days' advance notice to your supervisor of the need to take FMLA leave when the need for such leave is foreseeable;
- provide sufficient information to the Human Resources, Risk Management, usually a certification form, in a timely manner so that the department may review for FMLA eligibility;
- inform the Human Resources, Risk Management if the requested leave is for a reason for which FMLA leave was previously taken or certified;
- provide re-certification of a condition upon request by the Human Resources, Risk Management; and
- maintain appropriate contact with your supervisor and the Human Resources, Risk Management regarding return-to-work status.

If you have any questions regarding the FMLA process please do not hesitate to contact the Human Resources, Risk Management at 619-388-6953. You may also visit the FMLA information page which is listed under Human Resources, Risk Management at the website listed below. On the FMLA information page you will find who to contact, an FMLA Handbook, and FMLA forms for your reference and review.

<http://hr.sdccd.edu/risk/riskindex.cfm>

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