

Family & Medical Leave A Guide for Supervisors



As a supervisor, it is important for you to know how to recognize and respond to an employee's request for leave that may be eligible under the federal Family & Medical Leave Act (FMLA) &/or Wisconsin Family & Medical Leave Act (WFMLA) and to know what to do with confidential medical information.

FMLA and WFMLA are leave entitlements for reasonable, job-protected leave for specified family and/or medical reasons. Under the federal **Family and Medical Leave Act (FMLA)**, eligible employees have a right for up to 12 weeks of unpaid*, job protected leave per year for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for the employee's child after birth, or placement for adoption or foster care
- To care for the employee's spouse, son or daughter, or parent with a serious health condition
- For a serious health condition that makes the employee unable to perform the employee's job
- Qualifying exigencies related to an eligible family member's service in the Armed Forces

* *While FMLA and WFMLA provide unpaid leave, employees may choose to use sick leave and/or other types of paid leave available to them during the leave.*

Wisconsin Family and Medical Leave (WFMLA) has other provisions not mentioned here. Please see "*Notice of Employee Rights & Responsibilities*" for a full description of the federal Family and Medical Leave Act (FMLA) and Wisconsin Family and Medical Leave Act (WFMLA).

When you have a leave request or a situation that you think may potentially be covered under FMLA/WFMLA for an employee, consult your Divisional Disability Representative (DDR) immediately. Your DDR is a trained professional appointed to manage FMLA and medical leave in your division.

Recognizing possible FMLA

Employees may not always say "I need leave and it is covered under FMLA", or "I'd like to request FMLA", or otherwise come forward with a formal request or notification. Instead, watch for an employee missing time from work (whether using sick leave or some other paid leave) or needing a change in schedule. For example, an employee:

- has been calling in sick a few days each week, for several weeks
- indicates that he may need to adjust his schedule for chemotherapy treatments
- tells you his child has been diagnosed with a heart condition, and he will need to take a few days off work each week to attend appointments and meet with specialists for at least the next few months
- leaves you a voice mail message, saying that she's depressed and can't come to work
- tells you she may need a month off work for back surgery
- informs you she will need two weeks off to care for her father and help him move into an assisted living home
- has been off work for a work-related injury
- needs to arrange for alternate childcare prior to her spouse leaving for active duty in the National Guard
- tells you he's planning to reduce to a part-time schedule for one month after his baby is born
- tells you she may need to be on part or full bed rest prior to the birth of her baby

Responding to the situation

Tell the employee:

This leave may be covered under Family & Medical Leave, which provides job-protected leave. Please contact the DDR or other representative to discuss this. I'll also notify the DDR that they should hear from you.

Your DDR works directly with the employee to determine if the reason the employee is requesting leave is covered under FMLA/WFMLA, confirm if the employee meets FMLA/WFMLA eligibility requirements, notify the employee of his/her rights under the law, and discuss medical or other certification as needed. All confidential medical information is shared directly with the DDR. The DDR will provide you with information such as restrictions on hours, schedule, how to track intermittent leave and/or ability to perform the job, etc.

All Medical Information is Confidential.

All medical information is shared directly with the DDR only.

- Employees should submit any medical information directly to the DDR – not to you.
- Any medical information (written or verbal) that you receive should go to your DDR and should not be shared with others.
- You cannot ask if an employee has a medical condition or disability.
- You cannot disclose to others that an employee is using FMLA, or has a medical condition or disability accommodation (even if the employee is already sharing this information with you or others).
- If an employee's conversations about confidential information are disruptive in the workplace, you can direct him or her to stop. Consult your DDR in this situation.

Consult Early & Often!

Your DDR really wants to hear from you whenever you think an employee's situation may apply under FMLA/WFMLA. Your DDR will follow up personally with the employee to provide information and guidance.

Find Your Divisional Disability Representative (DDR)

<http://www.oed.wisc.edu/divisional-disability-representatives.htm>