

Understanding The NEW Family and Medical Leave Act of 1993 For SUPERVISORS

by

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TOPIC OUTLINE

25 page handout

SESSION 1: WHO IS COVERED?

- I. PURPOSE
- II. WHICH EMPLOYERS ARE COVERED?
- III. WHICH EMPLOYEES ARE COVERED?

SESSION 2: GETTING FMLA LEAVE

- IV. WHEN CAN A COVERED EMPLOYEE GET TIME OFF FROM WORK?

SESSION 3: CALCULATING FMLA LEAVE

- V. CALCULATING FMLA LEAVE HOURS
 - A. How Many Hours of FMLA Leave Is An Employee Eligible To Receive?
 - B. Mandatory Overtime Hours And FMLA Hours of Eligible Leave
- VI. LEAVE NEED NOT BE PAID; EMPLOYEES MAY BE REQUIRED TO USE ACCRUED TIME OFF
- VII. EMPLOYERS MAY REQUIRE FMLA LEAVE AND OTHER LEAVES TO RUN CONCURRENTLY

SESSION 4: WHAT IS A SERIOUS HEALTH CONDITION?

- VIII. WHAT IS A “SERIOUS HEALTH CONDITION”?**
- IX. WHAT IS NOT A SERIOUS HEALTH CONDITION?**
- X. WHEN IS AN EMPLOYEE NEEDED TO CARE FOR A COVERED FAMILY MEMBER?**
- XI. FMLA COVERS TIME OFF FOR “PSYCHOLOGICAL COMFORT”**
- XII. SELF-INFLICTED WOUNDS ARE COVERED BY THE FMLA**

SESSION 5: WHEN IS AN EMPLOYER ON NOTICE?

- XIII. WHEN IS AN EMPLOYER ON NOTICE OF AN FMLA CONDITION?**
 - A. Employer Is On Notice Of Serious Health Condition Once Employer Is “Reasonably Aware” Of An FMLA Qualifying Event**
 - B. Prolonged Absence May Constitute Notice To Employer**
 - C. What If An Employer Could Not Have Reasonably Been Aware Of the Employee’s Serious Health Condition?**

SESSION 6: EMPLOYER NOTICE REQUIREMENTS

SESSION 7: EMPLOYEE NOTICE REQUIREMENTS

- XIV. NOTICE REQUIREMENTS PLACED UPON EMPLOYEES**
 - A. 30 Day Notice Is Required When Leave Is Foreseeable**
 - B. Employee Must Identify Leave As FMLA**
 - C. Employer’s Usual and Customary Procedures**

SESSION 8: EMPLOYEE JOB PROTECTION AND BENEFITS

- XV. EMPLOYEE JOB PROTECTION**
 - A. Same Or Equivalent Position**

SESSION 9: TYPES OF EMPLOYEE LEAVE

- XVI. INTERMITTENT AND REDUCED SCHEDULE LEAVES**
 - A. Intermittent Leave**
 - B. Reduced Schedule Leave**

- C. Intermittent Leave Schedule and Reduced Schedule Leave Must Be Medically Required
- D. FMLA Time Off Must Be Tracked In The Smallest Increments The Employer's Policies Allow
- E. Employee's Treatments Must Be After Hours, If Possible

SESSION 10: OTHER EMPLOYEE RIGHTS

XVII. OTHER EMPLOYEE RIGHTS

- A. Discipline For Absenteeism and FMLA Leave
 - 1. Employees on FMLA leave may not be penalized.
 - 2. FMLA absences and performance reviews.

SESSION 11: RETALIATION

XVIII. RETALIATION

- A. Burlington Northern's Definition Of "Materially Adverse Employment Action" Applies To FMLA Retaliation Cases

TOTAL RUNNING TIME: 1.25 HOURS

Notice: Legal Advice Disclaimer

The purpose of these materials is not to act as legal advice but is intended to provide human resource professionals and their managers with a general overview of some of the more important employment and labor laws affecting their departments. The facts of each instance vary to the point that such a brief overview could not possibly be used in place of the advice of legal counsel.

Also, every situation tends to be factually different depending on the circumstances involved, which requires a specific application of the law.

Additionally, employment and labor laws are in a constant state of change by way of either court decisions or the legislature. Therefore, whenever such issues arise, the advice of an attorney should be sought.



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Business First's 20 People To Know In HR

CEO Magazine's 2008 Human Resources "Superstar"

Nationally Certified Emotional Intelligence Instructor

2012, 2008, 2007, 2006 and 2003 SHRM National Diversity Conference Presenter

Scott Warrick combines the areas of law and human resources to assist organizations in **"Solving Employee Problems BEFORE They Happen."** Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical, entertaining and humorous style.

[Scott Trains Managers and Employees ON-SITE in over 50 topics](#)

Scott's book,

["The Human Resource Professional's Complete Guide To Federal Employment And Labor Law,"](#)

is a favorite among HR professionals and students.

Scott's academic background and awards include:

Capital University College of Law (Class Valedictorian (1st out of 233))

Master of Labor & Human Resources and B.A. in Organizational Communication:
The Ohio State University

The Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of Human Resource Management and the Ohio State Human Resource Council's David Prize for Creativity in Human Resource Management

For more information on Scott, just go to www.scottwarrick.com