

Understanding The NEW Family and Medical Leave Act of 1993

1.25 hour Supervisor Training Video

by

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SUPERVISOR PROGRAM OUTLINE:

1.25 HOUR RUNNING TIME

11 INDIVIDUAL TRAINING SESSIONS

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?
 - A. 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
 - B. 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

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Scott Warrick, JD, MLHR, CEQC, SHRM-SCP (www.scottwarrick.com) is a two-time best-selling author, a national professional speaker, a practicing Employment Law Attorney and a Human Resource Professional with 40 years of hands-on experience. Scott uses his unique background to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical and entertaining style.

Scott Trains Managers & Employees ON-SITE in over 50 topics, all of which can be customized **FOR YOU!** Scott travels the country presenting seminars on such topics as Employment Law, Conflict Resolution, Leadership and Tolerance, to mention a few.

LET SCOTT DESIGN A PROGRAM FOR YOU!

Scott combines the areas of law and human resources to help organizations in “Solving Employee Problems **BEFORE** They Start.” Scott’s goal is **NOT** to win lawsuits. Instead, Scott’s goal is to **PREVENT THEM** while improving **EMPLOYEE MORALE**.

Scott’s first book, **Solve Employee Problems Before They Start: Resolving Conflict in the Real World**, is a #1 Best Seller for Business and Conflict Resolution on Amazon. It was also named by EGLOBALIS as one of the best global Customer and Employee books for 2020-2021. Scott’s most recent book, **Living The Five Skills of Tolerance: A User’s Manual For Today’s World**, is also a #1 Best Seller in 13 categories on Amazon, including Business Leadership, Minority Studies, Organizational Change, Management, Religious Intolerance, Race Relations and Workplace Culture, to mention a few.

Scott’s **MASTER HR TOOL KIT SUBSCRIPTION** is a favorite for anyone wanting to learn Employment Law and run an HR Department.

Scott has been named one of Business First’s 20 People To Know In HR, CEO Magazine’s 2008 Human Resources “Superstar,” a Nationally Certified Emotional Quotient Counsellor (CEQC) and a SHRM National Diversity Conference Presenter in 2003, 2006, 2007, 2008, 2010 and 2012. Scott has also received the Human Resource Association of Central Ohio’s Linda Kerns Award for Outstanding Creativity in the Field of HR Management and the Ohio State Human Resource Council’s David Prize for Creativity in HR Management.

Scott’s academic background and awards include Capital University College of Law (Class Valedictorian (1st out of 233) and Summa Cum Laude), Master of Labor & Human Resources and B.A. in Organizational Communication from The Ohio State University.

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

