

Understanding The NEW Family and Medical Leave Act of 1993

by

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In this course, you will get:

- All 18 video sessions to watch individually
- The entire 5 hour video program
- A 67 page handout
- A Certificate of Completion
- Evaluation Form

SESSION 1: WHO IS COVERED? = 16 MINUTES

- I. PURPOSE
- II. WHICH EMPLOYERS ARE COVERED?
- III. WHICH EMPLOYEES ARE COVERED?
- IV. MILITARY SERVICE COUNTS TOWARDS FMLA ELIGIBILITY

SESSION 2: GETTING FMLA LEAVE = 16 MINUTES

- V. WHEN CAN A COVERED EMPLOYEE GET TIME OFF FROM WORK?
- VI. FMLA LEAVE FOR EMPLOYEES IN THE MILITARY & THEIR FAMILIES

SESSION 3: CALCULATING FMLA LEAVE = 22 MINUTES

- VII. 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

VIII. CALCULATING THE FMLA LEAVE YEAR

A. Establishing The 12-Month Period Of Time Used For Calculating FMLA Leave

- 1. Calendar year.**
- 2. Any fixed 12-month "leave year," such as a fiscal year.**
- 3. The 12-month period starting when an employee first begins taking FMLA leave. The employee would then be eligible to take 12 weeks of FMLA leave within the next 12-month period.**
- 4. A "rolling" 12-month period that includes any FMLA leave taken by an employee within any previous 12-month period regardless of when the employee first took such leave.**

IX. LEAVE NEED NOT BE PAID; EMPLOYEES MAY BE REQUIRED TO USE ACCRUED TIME OFF

X. EMPLOYERS MAY REQUIRE FMLA LEAVE AND OTHER LEAVES TO RUN CONCURRENTLY

XI. HOLIDAYS

SESSION 4: WHO IS A CHILD AND A PARENT? = 22 MINUTES

XII. WHO IS A CHILD?

XIII. DOL ISSUES NEW ADMINISTRATOR'S INTERPRETATION OF FMLA LEAVE TO CARE FOR A DISABLED ADULT CHILD

XIV. WHO IS A "PARENT" AND "IN LOCO PARENTIS"?

XV. SAME SEX MARRIAGE AND THE FMLA

SESSION 5: WHAT IS A SERIOUS HEALTH CONDITION? = 26 MINUTES

XVI. WHAT IS A "SERIOUS HEALTH CONDITION"?

XVII. WHAT IS NOT A SERIOUS HEALTH CONDITION?

XVIII. WHEN IS AN EMPLOYEE NEEDED TO CARE FOR A COVERED FAMILY MEMBER?

XIX. FMLA COVERS TIME OFF FOR "PSYCHOLOGICAL COMFORT"

XX. TRIP TO LAS VEGAS COVERED BY FMLA

XXI. SELF-INFLICTED WOUNDS ARE COVERED BY THE FMLA

SESSION 6: WHEN IS AN EMPLOYER ON NOTICE? = 17 MINUTES

XXII. 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?
- D. Waiting For Medical Certification

SESSION 7: MEDICAL CERTIFICATIONS: 22 MINUTES

XXIII. MEDICAL EXAMINATIONS

- A. Medical Certifications
- B. Recertifying A Medical Condition
- C. Contact With Medical Professional

SESSION 8: FIT FOR DUTY CERTIFICATES: 5 MINUTES

XXIV. FIT FOR DUTY CERTIFICATES

SESSION 9: EMPLOYER NOTICE REQUIREMENTS: 1 HOUR 7 MINUTES

XXV. EMPLOYER NOTICE REQUIREMENTS

- A. Time Frames
- B. FMLA Notices

XXVI. REQUESTING FMLA DOCUMENTATION LATE FOUND PERMISSIBLE

XXVII. MISTAKENLY ASSIGNING FMLA ELIGIBILITY CAN CREATE FMLA COVERAGE

XXVIII. EMPLOYERS MUST INFORM EMPLOYEES OF THE CONSEQUENCES OF NOT RETURNING MEDICAL CERTIFICATION

SESSION 10: EMPLOYEE NOTICE REQUIREMENTS: 10 MINUTES

XXIX. 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 11: EMPLOYEE JOB PROTECTION AND BENEFITS: 29 MINUTES

XXX. EMPLOYEE JOB PROTECTION

- A. Same Or Equivalent Position**
- B. Job Restoration Must Be IMMEDIATE**
- C. Essential Job Functions: Number Of Hours Required**

XXXI. EMPLOYEE BENEFITS

- A. Health Insurance Coverage**
 - 1. Health coverage and premium payments must continue as if the employee was still at work.**
 - 2. Notification responsibilities of the employer.**
 - 3. Employee has 30-day grace period.**
 - 4. Failure to return to work and recouping medical subsidy.**
 - 5. When is an employee deemed to have returned to work after FMLA leave?**
 - 6. Upon employee's return, health insurance must be reinstated if requested.**
- B. Retention of Accrued Benefits**
- C. Attendance Bonus**

SESSION 12: TYPES OF EMPLOYEE LEAVE: 11 MINUTES

XXXII. 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. Temporary Transfer Is Allowed
- F. Employee's Treatments Must Be After Hours, If Possible

SESSION 13: LIGHT DUTY AND OTHER EMPLOYEE RIGHTS: 7 MINUTES

XXXIII. LIGHT DUTY ASSIGNMENTS

XXXIV. FMLA REGULATIONS: NO GREATER RIGHTS AFFORDED

XXXV. 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 14: RETALIATION: 8 MINUTES

XXXVI. RETALIATION

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

SESSION 15: WAIVER OF RIGHTS AND LIABILITY: 10 MINUTES

XXXVII. WAIVER OF RIGHTS

XXXVIII. LIABILITIES AND DAMAGES

- A. Managers Can Be Held Personally Liable
- B. Enforcement and Remedies

SESSION 16: COMPLYING WITH THE FMLA SUMMARY: 16 MINUTES

XXXIX. COMPLYING WITH THE FMLA

- A. FMLA Employer Checklist

TOTAL RUNNING TIME: 5 HOURS

DESCRIPTION

- How do you count **MILITARY SERVICE** towards FMLA eligibility?
- How do you count the amount of FMLA time off an employee gets ... including mandatory overtime?
- How should employers coordinate FMLA leave with other leaves, such as sick time, vacation time, holidays and so on?
- Who qualifies as a “**CHILD**”?
- How has the Department of Labor changed the definition of “**PARENT**”?
- How should employers count **HOLIDAY** time off under the FMLA?
- How are “**SAME SEX MARRIAGES**” viewed under the FMLA?
- What is a “**SERIOUS HEALTH CONDITION**” under the FMLA?
- What does it mean to “**CARE FOR A COVERED FAMILY MEMBER**”?
- What does it mean to provide “**PSYCHOLOGICAL COMFORT**” for a covered family member?
- When is an employer “**ON NOTICE**” of an FMLA condition?
- When can employers ask employees for a **MEDICAL CERTIFICATION** or a **RETURN TO WORK SLIP** ... and when **CAN THEY NOT**?
- What FMLA Notice requirements are placed upon **EMPLOYEES** ... and which are placed on **EMPLOYERS**?
- What is the difference between a “**General Notice**,” an “**Eligibility Notice**,” a “**Rights and Responsibilities Notice**” and a “**Designation Notice**” ... and when do you use each one?

... and **MUCH, MUCH** more ...

Join one of Ohio’s most popular speakers as he reviews how the FMLA has **COMPLETELY CHANGED** under the new regulations. Learn how the ADA has changed and why it is now one of the most dangerous laws out there for employers. Scott will show you how to use this information **IMMEDIATELY** with his own “rubber hits the road” approach as a 30 year human resource professional and employment attorney.

In this session you will learn...

- How the FMLA REALLY works.
- What changes have occurred to the FMLA and they affect how you administer the new regulations.
- What types of leave are available under the FMLA?

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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.

