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# THE GEORGE WASHINGTON UNIVERSITY

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WASHINGTON, DC

## FMLA CHECKLIST FOR HR REPRESENTATIVES (or Supervisors in the absence of HR support)

This is for HR representative/Supervisor use only and should not be sent to Benefits Administration.

### Prior to the FMLA leave:

- Receive a written or verbal leave request from the employee that may qualify for the Family and Medical Leave Act (FMLA).
  - An employee does not have to specifically state that they need FMLA leave to trigger the university's responsibilities under the law. The university is required to follow guidelines set by Federal and DC FMLA regulations when the university acquires knowledge that an employee's leave may be for an FMLA-qualifying reason. **Employees may not take annual, sick or other paid time off in lieu of FMLA leave if the reason for the leave is FMLA qualifying.**
  - Some situations that may qualify for FMLA leave:
    - An employee indicates that he/she is not at work or needs time away from work for an FMLA qualifying reason
    - An employee has been absent for **4 or more consecutive calendar days** for an illness or the illness of a family member
    - An employee has a pattern of absences that may be for an FMLA qualifying reason.
- Advise the employee to contact The Standard, GW's leave administrator, at 1-855-554-2918 or online at [www.standard.com](http://www.standard.com) 30 calendar days prior to a foreseeable leave or within 48 hours of going out on unforeseeable leave.
- Notify Benefits Administration immediately that FMLA leave has been requested.
- If the employee does not contact The Standard within 48 hours of the referral, HR representatives should contact the employee again to remind them to contact The Standard. If the employee does not complete the FMLA application process, HR can proceed with next steps related to the employee's employment status with the university, if applicable.
- Begin tracking the time that the employee is on leave as the leave is now provisionally designated as FMLA leave.
- Benefits Administration will notify you when the FMLA leave has been approved or denied after receiving notification from The Standard. Notify the employee's supervisor of leave approval dates and allowable frequency of absences if approved for intermittent or reduced work schedule FMLA leave. Supervisors should never be given medical information.
- Please submit the following information to Benefits Administration, if applicable:
  - Unpaid date (first date in 100% unpaid status), if applicable
  - Copy of leave records
  - Breakdown of requested annual and sick time, if applicable – note that unless the employee is approved for GW paid STD or Staff Paid Parental Leave, supervisors should continue processing their employee's

payroll. Benefits Administration will notify HR if GW paid STD or Paid Parental Leave has been approved and that Benefits Administration will take over payroll processing for that employee.

- Copy of job description

**During the FMLA leave:**

- For continuous leaves, advise the employee that they should contact their HR representative every 30 days to confirm their intent to return to work. If the employee provides unequivocal notice of intent not to return to work, the employer's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to reinstate the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.
- For intermittent leave, advise the employee that the employee must follow normal departmental call in procedures when the employee needs to take an absence under the FMLA. The employee must also contact The Standard at 1-855-554-2918 to report the absence within 7 days or the absence may not be job protected.

**Upon the employee's return:**

- Advise the employee to submit the return to work authorization to Benefits Administration, if the leave was due to the employee's own serious health condition. If no return to work authorization is received by Benefits Administration or the HR representative, the employee should NOT be reinstated until the documentation is received. If the employee provides the return to work authorization to their supervisor or HR representative, the form should be forwarded to Benefits Administration and not retained by the department.
- If the employee does not return to work, notify Benefits Administration immediately.

**Upon FMLA leave exhaustion and the employee cannot return to work:**

- Upon FMLA exhaustion, The Standard will notify the employee that their FMLA leave is exhausting.
- A referral will be provided to the employee by Benefits Administration to contact the Office of Equal Employment Opportunity with a copy to the HR representative to request an ADA accommodation for medical leave within 7 calendar days of the notice of FMLA ineligibility if the reason for the leave is for the employee's health. If the employee fails to participate in the ADA interactive process, HR can proceed with next steps related to the employee's employment status with the university.
- If the reason for continued leave is not for the employee's health, Benefits Administration will provide the employee with information on applying for personal leave.

**If an employee is not eligible for FMLA:**

- The Standard (or Benefits Administration) will notify the employee that they are not eligible for FMLA leave and provide the reason(s) for the ineligibility.
- A referral will be provided to the employee by Benefits Administration to contact the Office of Equal Employment Opportunity with a copy to the HR representative to request an ADA accommodation for medical leave within 7 calendar days of the notice of FMLA ineligibility if the reason for the leave is for the employee's health. If the employee fails to participate in the ADA interactive process, HR can proceed with next steps related to the employee's employment status with the university.
- If the reason for the leave is not for the employee's health, Benefits Administration will provide the employee with information on applying for personal leave.