

FMLA CHECKLIST FOR HR REPRESENTATIVES

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

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 Liberty Mutual, GW's leave administrator, at 1-800-213-5609 or online at mylibertyconnection.com 30 calendar days prior to a foreseeable leave or within 48 hours of going out on unforeseeable leave.
- Notify GW Benefits immediately that FMLA leave has been requested.
- If the employee does not contact Liberty Mutual within 48 hours of the referral, HR representatives should contact the employee again to remind them to contact Liberty Mutual. 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.
- Liberty Mutual will notify you when the FMLA leave has been approved or denied. 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 GW Benefits, if applicable:
 - Unpaid date (first date in 100% unpaid status), if applicable and 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.** GW Benefits will notify HR if GW paid STD or Paid Parental Leave has been approved and that GW Benefits 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 Liberty Mutual at 1-800-213-5609 or online at mylibertyconnection.com 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 GW Benefits, if the leave was due to the employee's own serious health condition. If no return to work authorization is received by GW Benefits 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 GW Benefits and not retained by the department.
- If the employee does not return to work, notify GW Benefits immediately.

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

- Upon FMLA exhaustion, Liberty Mutual will notify the employee that their FMLA leave is exhausting.
- A referral will be provided to the employee by GW Benefits 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, GW Benefits will provide the employee with information on applying for personal leave.

If an employee is not eligible for FMLA:

- Liberty Mutual (or GW Benefits) 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 GW Benefits 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, GW Benefits will provide the employee with information on applying for personal leave.