

Family and Medical Leave

A Guide for Supervisors

As a supervisor, it is important for you to know how to recognize and respond to an employee's request for leave that may be eligible under the federal Family and Medical Leave Act (FMLA) and to know what to do with confidential medical information. If you intentionally or unintentionally deny employees' rights under FMLA, you and the University of Wyoming can be held liable. Although you are not expected to know all of the details of FMLA, you should know the basics and how to recognize a possible serious health condition. This guide provides information that will answer many of the questions you may have about FMLA. Your Human Resources office is available to assist you with specific FMLA issues.

What is FMLA

FMLA is leave entitlement for reasonable, job-protected leave for specified family and or medical reasons. Under the federal Family and Medical Leave Act (FMLA), eligible employees have a right for up to 12 weeks of job-protected leave per 12 month period for the following reasons:

- For incapacity due to pregnancy, prenatal care or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent with a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.

In addition, The Family and Medical Leave Act was amended by the National Defense Authorization Act in 2008 to include:

- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status OR
- Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

To read more about FMLA in the University of Wyoming Handbook, please click on this link: [UW Employee Handbook](#).

In addition, you can access the U.S. Department of Labor website here: [U.S. Department of Labor Wage and Hour Division](#).

When you have a leave request or situation that you think may potentially be covered under FMLA for an employee, please contact Kira Poulson in Human Resources.

Recognizing possible FMLA

Employees may not always say "I need leave and it is covered under FMLA", or "I'd like to request FMLA", or otherwise come forward with a formal request or notification. Instead, watch for employees missing time from work (whether using sick leave or some other paid leave) or needing a change in schedule. For example, an employee:

- Has been calling in sick a few days each week, for several weeks.
- Indicates that he may need to adjust his schedule for chemotherapy treatments.

- Tells you his child has been diagnosed with a heart condition, and he will need to take a few days off work each week to attend appointments and meet with specialists for at least the next few months.
- Tells you she may need a month off work for back surgery.
- Has been off work for a work related injury.
- Tells you he is planning to reduce to a part-time schedule, for the first month after his baby is born.
- Tells you she may need to be on part or full bed rest prior to the birth of her baby.

Responding to the situation

Tell the employee: **“This leave may be covered under the Family and Medical Leave Act, which provides job-protected leave. Please contact Human Resources to discuss this. I’ll also notify HR that they should hear from you.”**

Kira Poulson, Hill Hall Room 341 in Human Resources works directly with the employee to determine if the reason the employee is requesting leave is covered under FMLA, confirm if the employee meets FMLA eligibility requirements, notify the employee of his/her rights under the law, and discuss medical certification as needed. Human Resources will provide you with information such as dates of procedure, dates of expected absences, restrictions on hours, and ability to perform job and the return to work date.

- All medical information is confidential.
- Employees should submit any medical information directly to Kira Poulson, Hill Hall, Room 341 in HR – *not to their supervisor.*
- Any medical information (written or verbal) that you might receive should go to Kira Poulson in HR and should not be shared with others.
- You cannot ask if an employee has a medical condition or a disability.
- You cannot disclose to others that an employee is using FMLA, or has a medical condition or disability accommodation (even if the employee is already sharing this information with you or others).

Human Resources wants to hear from you whenever you think an employee’s situation may apply under FMLA. Your HR department will follow up personally with the employee to provide FMLA information and guidance.

After HR has received the FMLA information from the employee, if the employee qualifies for FMLA, Kira Poulson in HR will notify the supervisor and Appointing Authority of the status of FMLA including what the expected absence will be (block of time or intermittent leave and at what expected intervals). If an employee is expected to be off for a block of time, the employee is not required to call in each day of absence but will give periodic updates to HR.