
Family and Medical Leave Act Certification Process and Flowchart

1. Employee is absent from work, or informs you that s/he will be missing work in the future.

The supervisor/administrator should consider the reason(s) for the absence and proceed accordingly. FMLA paperwork may begin if the absence is foreseeable. Remember: an employee does not have to formally ask for leave under The Family and Medical Leave Act (FMLA) to receive FMLA benefits; employers are required to make that determination and designate the leave accordingly.

2. Does the employee's illness or circumstance appear to be eligible for FMLA leave?

The FMLA administrator (or appropriate designee) must assess whether or not the absence appears to be covered under the FMLA. Employees may qualify for FMLA leave for absences relating to:

- *Any period of incapacity requiring absence from work for more than three continuous days with continuing treatment by a health care provider;*
- *Absences due to Military Family Leave as defined by FMLA regulations;*
- *Continuing treatment by a health care provider for a chronic health condition;*
OR
- *Any period of incapacity connected with inpatient care or overnight stay in a hospital or residential medical-care facility.*

3. Employee's leave is documented appropriately.

This step is taken in the event FMLA leave does not apply to the employee's circumstances. Example: The employee uses leave to care for an uncle suffering from a medical condition, or uses leave to attend an appointment for a routine physical.

4. Does the employee have 12 months of total state service, and has s/he worked 1,250 hours within the last 12 months of the need for FMLA leave?

This step is taken if the FMLA administrator determines the absences appear to be for reasons eligible for FMLA leave (or is otherwise unsure if the leave appears to be FMLA-related). The administrator must review payroll records and determine if the employee has at least 12 months of state service (does not have to be exclusively with TAMU) and has worked at least 1,250 hours within the last 12 months of the need for leave. For example, an employee who needs family leave beginning on January 13, 2008 will have had to work 1,250 hours between January 13, 2008 and January 13, 2007 to qualify for FMLA leave. Remember: Total state service and hours worked may include faculty, student, or wage employment!

5. Submit FMLA packet to employee and inform him/her in writing that s/he does not qualify for FMLA benefits at this time.

This step is taken if the employee does not qualify for FMLA benefits due to not having the requisite hours and state service time referenced in item #4. This requirement will be met if the administrator provides the packet with the “does not qualify” boxes checked in item #1 of the cover memo.

6. Submit FMLA packet to employee; leave will be provisionally designated as FMLA leave.

Download at: <http://employees.tamu.edu/employees/benefits/leave/fmla/Default.aspx>

The administrator or designee will check the appropriate box in the cover memo to inform the employee whether or not s/he qualifies for FMLA leave. The leave will be considered to be FMLA leave for approximately 15 calendar days, at which time the certification form (or other necessary documentation) should be returned by the employee.

7. Employee returns Certification of Physician or Practitioner Form or other necessary documentation.

Employees are given at least 15 calendar days from notification of FMLA leave to provide documentation to certify FMLA leave. Examples of acceptable documentation would be a completed Certification or Practitioner Form, adoption paperwork, military orders, etc.

8. Does the documentation confirm the employee is losing (or will lose) time due to an FMLA-related reason?

The administrator should review the documentation to ensure the employee is missing (or will miss time) due to FMLA-eligible leave:

- **Serious Health Condition:** *An illness, injury, impairment, or physical/mental condition that involves:*
 - *Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity, or*
 - *Continuing* *treatment by a health care provider for an incapacity*
 - *lasting longer than three days*
 - *due to pregnancy or prenatal care*
 - *due to treatment for a chronic health condition*
 - *to receive multiple treatments and recover from those treatments provided by a health care provider*
- **Adoption or Foster Care:** *An absence related to adoption or foster care placement as defined by FMLA regulations*
- **Military Family Leave**
 - **Caregiver Leave:** *An employee who is a child, spouse parent or next of kin of a covered service member may take up to 26 weeks of FMLA leave per fiscal year to care for the ill or injured service member*

- **Exigency Leave:** *An employee may take up to 12 weeks of FMLA leave per fiscal year for “any qualifying exigency” arising out of the employee’s spouse, child, or parent being on active duty or having been notified of an impending call to active duty*

9. Employee’s leave is documented as FMLA leave.

The administrator should ensure the employee’s leave is documented as FMLA through the department’s leave program (LeaveTraQ, KRONOS, etc.) or other appropriate leave records.

10. Inform the employee in writing that his/her illness or circumstance is not eligible to be documented as FMLA leave.

This step is taken when the documentation shown does not indicate the reason for the leave is needed as per the guidelines referenced in item #8. Important: The employee must be notified, in writing, if s/he does not qualify for FMLA leave. This requirement is mandated through the FMLA Code of Federal Regulations.

11. Employee’s leave is documented appropriately.

This step is taken after the leave is determined to be eligible or ineligible for FMLA leave.

- **If not eligible for FMLA leave:** *Ensure that records are accurately reflected to show that leave in question is not coded as FMLA leave. This will include any FMLA leave you may have provisionally designated as FMLA leave as directed in item #2*
- **If eligible for FMLA leave:** *Ensure that all applicable paid and unpaid leave is designated as FMLA leave in your department’s records*

For assistance: Benefits Services
Phone: 979/862-1718
Email: hrcompbenefits@tamu.edu

FMLA Certification Process

