



## San Diego Community College District FMLA Flow Chart

This flowchart is to help the supervisor and HR to determine if FMLA leave is applicable in an employment situation and, if so, to manage the leave in compliance with laws and the District's FMLA policy and procedures

### Determine if FMLA is Implicated

- Employee requests FMLA leave from the supervisor, or
- Employee provides enough information for you to know absence is likely FMLA qualifying; or
- Employee is absent for more than three calendar days.
- Supervisor directs employee to complete FMLA request form

YES

NO

### If in Doubt

- Provide employee with "Notice to Employees of Rights under FMLA and "Notice B" to ensure understanding of FMLA.
- Make sure paid and unpaid leave provisions of the applicable District contracts, rules, or policies are followed

### HR will Determine Employee Eligibility

- Employee has been employed with the District for at least 12 months (not necessarily consecutive); **and**
- Employee has worked (been paid) at least 1,250 hours in the last 12 month; **and**
- Employee has not exceeded 12 weeks FMLA leave in this fiscal year.

YES

NO

### HR Notifies Employee of Non-Eligibility

- A. *FMLA: DOL Notice of Eligibility and Rights & Responsibilities;*
- B. *FMLA: DOL Notice to Employees of Rights* (General Notice under FMLA)
- C. *Notice "B"*, to ensure understanding of FMLA; **and**
- Indicate either reason: "You have not met the FMLA's 12 month length of service requirement." **or** "You have not met the FMLA's 1,250 hours-worked requirement." **or** "You have exhausted your FMLA leave entitlement in the applicable 12-month period."
- Make sure paid and unpaid leave provisions of District's rules, or policies are followed.
- Monitor situation if employee will meet these eligibility criteria while on leave, and if so, begin processing it as FMLA leave at that time.

### HR will Determine if Qualifying Condition

- Leave is for the employee's own serious health condition; **or**
- Leave is to care for the employee's spouse, domestic partner, son/daughter, or parent with a serious health condition; **or**
- Leave is for the birth or care of a newborn child or placement of an adopted or foster son/daughter; **or**
- Leave is for the employee to care for a covered service member with a serious injury of illness.

YES

NO

### HR Notifies Employee of Non-Eligibility

- Notify employee of non-eligibility using District Letter *FMLA: Notification of Family Care and Medical Leave Letter.*
- Indicate reason: "The FMLA does not apply to your leave request."
- Make sure paid and unpaid leave provisions of District's rules, or policies are followed.
- Monitor situation if employee will meet these eligibility criteria while on leave, and if so, begin processing it as FMLA leave at that time.

### HR will Designate Leave as FMLA and Request Certification

- Within 5 business days of request for or need for FMLA leave, HR will provide the employee with:
  - A. District Form *FMLA: Request for Leave of Absence Form*
  - B. *FMLA: DOL Notice of Eligibility and Rights & Responsibilities;*
  - C. *FMLA: DOL Notice to Employees of Rights* (General Notice under FMLA) **and**
  - D. *Notice "B"*, to ensure understanding of FMLA

YES

NO

### Campus / Return to Work

Before employee can return to work a "*Physician's Approval to Resume Normal Duties*" form must be completed **3 days prior** to return to work (employees out for more than 30 days)

YES

### Incomplete or Non-Receipt of Certification

If employee fails to provide certification due to the employee's serious health condition or of a family member may result in denial of FMLA leave or the continuation of your leave until the certification is provided. Attendance should be addressed under other leave provisions based on the applicable labor contract, rules, or policies

Track Leave Usage, Ensure Applicable District Paid Leave Provisions are followed, Monitor actual absences match certification, and facilitate return to work. Keep FMLA forms in medical record files separate from personnel files.