Family & Medical Leave Act
Agenda

8:00 a.m. Doors open.

8:30 a.m. Introduction to session

Does the law apply?

Does the Family & Medical Leave Act apply to tribal employers?

What options do tribes frequently make in addressing whether the FMLA applies?

Do you have more than 50 employees?

What is the impact of state FMLA type laws?

Where can I find the law and the regulations?

If the tribe applies the FMLA rules, who is eligible?

Are employees eligible to seek leave in year one of employment?

Are FMLA benefits extended just to full-time employees?

If employees are not entitled to FMLA benefits in the first year, are there other benefits which cover medical and family circumstances?

Are independent contractors entitled to leave?

Are contract employees entitled to leave?

What circumstances permit employees to seek leave under the FMLA?

What is leave for the birth, adoption or foster care of a child?

What is serious health condition leave?

How is spouse defined by the FMLA?

Can an employee's child be older than 18 years of age and still trigger a proper leave request?

What is military preparation leave?

What is leave for serious health condition or injury?

Can employees take leave for more than one purpose?

Gathering medical information

How do employers gather medical information about serious health condition leave?

How do employers obtain updates regarding an employee's status?

Can managers and supervisors communicate with medical personnel?

Are medical records typically kept in an employee's personnel file?

Noon to 1:00 p.m: Lunch on your own

How much leave is available and is it paid?

How many weeks are available?

Does the law require employers to pay employees out on leave?

Can employees be paid while out on FMLA?

What happens when employees run out of leave?

How is time measured under the FMLA?

How is leave requested?

When asking for leave must employees use magic words?

Should employees complete a written leave request?

What protections are extended to employees?

Is the employee's job protected while out on leave?

Can the employer require a return-to-work note from a doctor prior to letting employees return from job protected leave?

Must the employer continue providing health coverage to employees while out on leave?

If an employee does not return from leave, can employers seek reimbursement for health care premiums from former employees?

What are the notice rules?

Must employees provide notice or request leave?

What notices must employers provide to employees?

If the employer fails to provide the correct notice what are the consequences?

Continuous and intermittent leave.

What is intermittent leave?

When can employees use intermittent leave?

How often can employers ask for employee updates regarding the employee's ability to return to work?

How often can employers seek updates from the employee's doctor?

Pay.

Can employers deduct pay from an exempt employee's paycheck while the employee is out on leave?

While an employee is out on FMLA can the employee be entitled to a raise?

Are employees entitled to bonuses while out on FMLA?

Should employers let employees work while out on FMLA?

Liability.

Can employers retaliate against employees who seek or use leave?

Can employers be sued for failing to follow the law?

Are there risks when employees transition from FMLA to an employer provided leave of absence?

Are employers required to provide light duty to employees needing light duty in transition back to work?

Can employers force employees to use FMLA?

Fitness for duty certification.

Records

Is there software which assists employers track FMLA numbers?

Must employers maintain records relating to FMLA?

Are there limitations on which employees have access to FMLA related documents?

4:30 p.m. End of Day