



J. J. Keller®

LEAVE MANAGER

5 THINGS YOU MIGHT NOT KNOW ABOUT **FMLA**



The federal Family and Medical Leave Act (FMLA) has many details, some of which are easy to overlook. These often overlooked points include the following:

1. If the information in the eligibility/rights & responsibilities notice or designation notice changes, you must notify employees of the changes [§§825.300(b)(3) and (d)(5)]

- If an employee's eligibility status has changed (e.g., if the employee has not met the hours-of-service requirement in the 12 months before the beginning of leave for a subsequent, different qualifying reason, or the size of the workforce at the worksite has dropped below 50 employees), you must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.
- If the information in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), you must provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.
- You may use another eligibility/rights & responsibilities notice or designation notice for this, but are not required to.

2. Private residences are not worksites for purposes of the eligibility criteria of working at a site with at least 50 company employees within 75 miles [825.111(a)(2)]

- Rather, their worksite is the office to which they report and from which assignments are made.



Trusted by HR professionals across the country, the J. J. Keller® **LEAVE MANAGER** provides a simple, step-by-step process for entering employee leave requests without the hassle of paper files and spreadsheets. It also offers a wide range of expert resources to help streamline tracking and ensure ongoing compliance.

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Developed by J. J. Keller's trusted team of in-house experts, J. J. Keller® **LEAVE MANAGER** streamlines FMLA and other employee leave tracking while ensuring ongoing compliance with the latest federal and state requirements.

With **LEAVE MANAGER**, you can:

- Schedule and track continuous, intermittent, and reduced schedule leave
- Ask our subject-matter experts your toughest compliance questions and get your answer typically within 24 hours
- Effortlessly comply with 100+ state leave laws
- Set notifications and reminders for required notices, certification requests, and more
- Access an extensive library of knowledge-based resources for unmatched compliance guidance
- And more!

Plus, save even more time with **Employee Center**. Included with **LEAVE MANAGER**, this self-service portal allows employees to securely log in and complete leave-related tasks with administrative oversight.

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3. The FMLA poster needs to be seen by applicants as well as employers [825.300]

- For online applicants, place a prominent notice on the website where the job postings are listed stating that "Applicants have rights under Federal Employment Laws" and link to the Family and Medical Leave Act (FMLA) Poster (as well as the EEO and EPPA poster)

4. You may not request a second opinion for recertifications [825.308(f)]

- You may request a second opinion only for initial certifications.

5. You should not automatically request a new, annual certification at the start of a new leave year – wait for the employee to put you on notice of the need for leave [825.305(b)]

- You should request, at the time the employee gives notice of the need for leave or within five business days, that an employee furnish certification. In the case of unforeseen leave, within five business days after the leave begins.

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SIMPLIFY LEAVE TRACKING TODAY!