



## 91 Tips, Developments, and Strategies for Employee Leaves of Absence

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## Deal with the Preliminary Stuff

<b>Tip #1</b>	Use the new DOL FMLA Forms (not your own stuff) (issued 5/15 – exp. 5/31/18) (see Appendices, pp. 68-96)
<b>Tip #2</b> (pp. 2-3)	Note that the DOL added GINA language on the newly revised forms: “Do not provide information about genetic tests, genetic services, or the manifestation of disease or disorder in the employee’s family members.”
<b>Tip #3</b>	Display the FMLA poster (p. 98)
<b>Tip #5</b>	Update all FMLA policies (handbooks, online, intranet, everywhere)

## Deal with the Preliminary Stuff

<b>Tip #9</b> (p. 7)	Use the DOL eLaws FMLA Advisor in a pinch
<b>Tip #11</b> (pp. 7-14)	Don't forget about the DOL FMLA opinion letters—still useful
<b>Tip #12</b> (pp. 15-17)	Check out the EEOC Policy Guidances on accommodation and pregnancy issues (see also Tips 81-85)
<b>Tip #13</b> (pp. 17-18)	Check out the EEOC informal discussion letters

## New Tip 92: Check Out the DOL Employer's Guide to the FMLA

- ◆ The new guide was released last week (04/26/16) at an FMLA/ADA Compliance Conference
- ◆ Download the new guide at the following website:

[www.dol.gov/whd/fmla/employerguide.pdf](http://www.dol.gov/whd/fmla/employerguide.pdf)

## **New Tip 92: Check Out the DOL Employer's Guide to the FMLA**

- ◆ **Not** a boring recitation of the C.F.R.
- ◆ Follows the FMLA regs over the course of a typical leave request
- ◆ Contains easy to follow flowcharts—including an FMLA “roadmap”
- ◆ Includes “Did You Know” sections on FMLA nuances
- ◆ Has user-friendly charts about the medical certification process
- ◆ Provides a good overview of military family leave

## **Tip # 14: Make the EEOC/ DOL Happy— Use Job Descriptions (pp. 18-19)**

1. Establish performance requirements
2. Explore the parameters of reasonable accommodation
3. Make decisions on job restructuring
4. **Evaluate medical certifications and fitness for duty**
5. **DOL Form WH-380-E (p. 68-71)**
  - ✓ Employee's essential job functions
  - ✓ Check if job description is attached
6. **EEOC:** employer can articulate and identify the essential and marginal job functions

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Also available as part of the eCourse

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