



FAMILY AND MEDICAL LEAVE ACT (FMLA) REQUEST AND REVIEW PROCESS

Notification:

1. The employee will request leave (the employee probably will not say FMLA, but rather make a request for leave).
2. The Commission supervisor will evaluate the request and if it sounds like the request for leave might come under FMLA then the supervisor and/or the employee shall submit a written request for FMLA by email to Human Resources (HR).
3. Ideally, HR would like to receive the request for FMLA 30 days prior to its use.
4. The Commission supervisor will also notify the Executive Director and Assistant Director by email of the FMLA request.

Eligibility:

5. HR will notify employee of eligibility **within FIVE business days**.
6. HR will verify the following:
 - Employee has been employed with the Commission for at least 12 months; and
 - Employee has worked at least 1250 hours in the past year.
7. HR will send an eligibility explanation to the employee via email.
8. If employee is **ELIGIBLE** for FMLA leave:
 - HR will provide the employee with the appropriate certification form
 - Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380-E) **OR**
 - The Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380-F).
 - HR will send a completed Notice of Eligibility & Rights and Responsibilities (Form WH-381) to the employee.
9. If the employee is **INELIGIBLE** for FMLA leave then HR will provide the employee with a Notice of Eligibility & Rights and Responsibilities (Form WH-381).

[HR Email](#)

[Notice of Eligibility & Rights and Responsibilities \(Form WH-381\)](#)

[Certification of Health Care Provider for Employee's Serious Health Condition \(Form WH-380-E\)](#)

[Certification of Health Care Provider for Family Member's Serious Health Condition \(Form WH-380-F\)](#)

Certification:

10. Within **15 calendar days**, the employee must return a complete Certification of Health Care Provider Form WH-380-E or 380-F to HR.
11. HR will review and notify the employee of the decision within **FIVE business days**. If the Certification is incomplete or insufficient, HR must state in writing what additional information is necessary to make the Certification complete and sufficient.
12. Once HR determines that the Certification is complete and approved as FMLA then HR will complete a Designation Notice (Form WH-382) and send to the employee.
 - FMLA that is **APPROVED** requires HR to provide via email to the employee, supervisor, and payroll within 15 days the following:
 - Designation Notice (Form WH-382)
 - Current leave balances
 - Shared leave request form (Form HCM-33A)
 - FMLA **NOT APPROVED** requires HR to provide via email to employee and supervisor within 15 days the following:
 - Designation Notice (Form WH-382)
 - Current leave balances
13. The Commission supervisor upon receiving the email with the notice and information in step 12 above, shall forward the information to the Executive Director and Assistant Director.

[Designation Notice \(Form WH-382\)](#)
[Request to Receive Shared Leave/Bank Leave \(Form HCM-33A\)](#)

Confidentiality:

The employee's information should be kept confidential and shared only with those who need to know (management, supervisor, human resources...). Otherwise, the employee's request and medical information should not be discussed with others.