

FMLA Checklist

1	<p>If your organization has 50 or more employees are you offering FMLA to your employees? <i>Federal FMLA is required for employers who have an average of 50 employees for 20 or more calendar work weeks in the current or preceding calendar year.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	<p>Do you request recertification every 30 days when continued need for FMLA is questionable? <i>Federal law allows an employer to request recertification for ongoing intermittent leaves, protecting employers from potential instances of abuse of FMLA approvals.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	<p>Do you grant employees job-protected leave before they meet the FMLA eligibility requirements? <i>Federal FMLA law requires that employees meeting the requirements of 12 months of employment of 1250 hours during that time frame are considered for FMLA but not before those requirements are met. If those requirements are not met then your company leave absence policy would dictate the leave request.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	<p>Are your leave of absence policies up to date? Do you feel confident that leaves are treated consistently and fair amongst your employee base? <i>FMLAMatters finds that 99% of our new client base does not have up to date leave policies that would protect the client in the event of litigation.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	<p>Are you using the new forms and following the new procedures? <i>The largest changes to the FMLA were made by Congress in January. This is the most major update since 1993 and changed many aspects of the administrative requirements, as well as adding additional leave events to potential reasons for needing FMLA.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	<p>Are you administering FMLA leave for military families? <i>The National Defense Authorization Act of 2008 has added new categories for 2009.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	<p>Has your organization ever been subject to a Department of Labor audit? <i>Audits are very productive for the DOL: In 2004, the agency collected \$197 million in back wages for more than 280,000 workers.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	<p>Have you ever had an employee file a claim for violation of his/her FMLA rights? <i>FMLAMatters extends a Hold Harmless clause to all of our clients.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	<p>Does your organization stay ahead of FMLA legislative changes? <i>FMLAMatters has found that 99% of our new clients do not have the resources available to monitor FMLA federal and state laws on a regular basis and often fall behind, leaving important factors out of the equation which can jeopardize an employees rights.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
10	<p>Do you run your FMLA administration concurrent with Worker's Comp and STD? <i>Not running STD and Worker's Compensation concurrent with FMLA can allow employees to take more than 12 weeks of protected time off.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
11	<p>Do you allow your employees to take sick leave and vacation pay without going through the FMLA approval process? <i>FMLAMatters has found that most employers allow employees to use sick leave and vacation pay without deeming the leave as FMLA which leaves the employer exposed for an employee using over their allotted 12 week Federal approved leave.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Did you check **Yes** to any of these questions?
3, 8, 11,

Did you check **No** to any of these questions?
1, 2, 4, 5, 6, 7, 9, 10

If so, you may be in violation of The Family and Medical Leave Act of 1993 enforced by The U.S. Department of Labor's Employment Standards Administration. **FMLAMatters can help!**

Contact your TASC Provider for additional information pertaining to your FMLA requirements and obligations.

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