



Employee puts employer on "notice" of the need for leave [29 CFR 825.302]

All managers and supervisors must be trained to understand the broad definition of "serious health condition" and to recognize when they've been put on "notice"

Where condition is foreseeable, employee must provide 30 days advance notice [29CFR 825.302(a)]

Where condition is not foreseeable, employee must provide notice "as soon as practicable" [29 CFR 825.303]



Employer must calculate eligibility (12 months service, 1250 hours worked) [29 CFR 825.110]



If employee is not eligible, employer must notify employee within 2 business days or employee deemed to be eligible [29 CFR 825.110(a)]

If employee is not currently eligible but will be by the time leave commences employer must:

Confirm eligibility based on projection (not later subject to employer challenge) [29 CFR 825.110(d)]825.110(d)]

or Notify Employee within 2 business days when eligibility requirement is met [29 CFR 825.110(d)]

If employee is eligible, employer must provisionally designate leave within 2 business days [29 CFR 825.208(b)(1)] and Provide written notice to the employee that includes information on medical certification, fitness for duty, key employee status, reinstatement rights, etc. [29 CFR 825.301(b)]

(In California, the DOL form violates the California Family Rights Act because it requests diagnosis information)

Employer must request employee to provide certification within 2 business days of receiving notice [29 CFR 825.305(c)]

Employer tracks 15-day period for receipt of certification [29 CFR 825.305]



Certification not received within 15 days: Employer must determine whether it was practicable under the circumstances for employee to provide notice in 15 days (necessitates additional writing) [29 CFR 825.305]

Certification received within 15 days

Even if the employer has questions about the certification they may only contact the employee's provider if they have permission [29 CFR 825.307]

Incomplete: Employer must advise the employee that the certification is incomplete and provide the employee a reasonable opportunity to cure the deficiency (necessitates additional writing) [29 CFR 825.305(d)]

Complete

Cure?

No Written notice of withdrawal of provisional certification [29 CFR 825.208(3)(2)]

Yes

Reason to doubt the validity?

No

Track leave in the smallest increment the employer's payroll system uses to account for absences, provided it's one hour or less [29 CFR 825.203]



Yes

Second opinion at employer's expense. If opinion differs from original certification, third opinion is binding. [29 CFR 825.307]

