

FMLA Notice FAQ

Family and Medical Leave Act (FMLA) Notice Requirements

Question	Answer
Does an employer have to provide employees with information regarding their specific rights and responsibilities under FMLA?	At the same time an employer provides an employee notice of the employee's eligibility to take FMLA leave, the employer must also notify the employee of the specific expectations and obligations associated with the leave. Among other information included in this notice, the employer must inform the employee whether the employee will be required to provide certification of the FMLA-qualifying reason for leave and the employee's right to substitute paid leave (including any conditions related to such substitution, and the employee's entitlement to unpaid FMLA leave if those conditions are not met). If the information included in the notice of rights and responsibilities changes, the employer must inform the employee of such changes within five business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. Employers are expected to responsively answer questions from employees concerning their rights and responsibilities.
What are an employer's posting and general notice requirements?	Employers must post a general notice explaining the FMLA's provisions and providing information regarding procedures for filing a claim under the Act in a conspicuous place where it can be seen by employees and applicants. Under the regulations, this posted notice includes additional information regarding the definition of a serious health condition, military family leave entitlements, and employer and employee responsibilities. Employers must also include the information in this general notice in any employee handbook or other written policies or manuals describing employee benefits and leave provisions. Additionally, under the regulations, an employer without a handbook or written guidance is required to provide this general notice to new employees upon hiring.

FMLA Notice Requirements

The following notice requirements generally apply to employers required to comply with the federal Family and Medical Leave Act.

Notice	Provide To	When Due to Employee
General FMLA Notice	All employees	<ol style="list-style-type: none"> As a workplace poster In the employee handbook or at the time of hiring
Certification of Employee's Serious Health Condition	Employee requesting FMLA leave due to his or her serious health condition	Upon receiving employee's FMLA leave request, if employer requires certification
Certification of Family Member's Serious Health Condition	Employee requesting FMLA leave due to a family member's serious health condition	Upon receiving employee's FMLA leave request, if employer requires certification
Certification of Qualifying Exigency for Military Family Leave	Employee requesting FMLA leave due to a qualifying exigency related to a military family member	Upon receiving employee's FMLA leave request, if employer requires certification

Certification of Serious Injury or Illness of a Current Servicemember for Military Family Leave	Employee requesting FMLA leave due to the serious injury or illness of a current military servicemember	Upon receiving employee's FMLA leave request, if employer requires certification
Certification of Serious Injury or Illness of a Veteran for Military Caregiver Leave	Employee requesting FMLA leave due to the serious injury or illness of a military veteran	Upon receiving employee's FMLA leave request, if employer requires certification
Notice of Eligibility and Rights & Responsibilities	Employee requesting FMLA leave	Within 5 business days of receiving employee's FMLA leave request
FMLA Designation Notice	Employee requesting FMLA leave	Within 5 business days of determining whether leave requested is covered by FMLA

For More Information

For more information regarding FMLA, visit www.dol.gov/whd/fmla/ or call 1-866-4-USWAGE (1-866-487-9243) or call us at The Olson Group at 402-289-1046 or at hrconsulting@theolsongroup.net.