

Checklist for Return-to-Work Certification

- Adopt a uniformly applied policy to procedure requiring return-to-work certification from employees who take FMLA leave for their own serious health conditions.
- Notify employees of the return-to-work certification policy.
- Don't request return-to-work certification from employees taking intermittent leave.
- Be aware of state laws and collective bargaining agreements that may present special requirements regarding an employee's return to work.
- Make sure the return-to-work certification comes from the employee's own health-care provider.
- Ensure the return-to-work certification only related to the particular serious health condition that caused the employee's need for FMLA leave.
- Have the employer's health-care provider contact the employee's health-care provider only with the employee's permission and only for clarification of the employee's fitness for duty. Do not delay the employee's reinstatement pending contact with the employee's health-care provider.
- Do not request second or third opinions on return-to-work certification.
- Do not require the employee to submit to a fitness-for-duty test before resuming work unless the test is completely unrelated to the employee's reasons for taking FMLA leave.