

Top Ten Mistakes

The most common mistakes that have resulted in the DOL finding employer violations are:

1. Failing to notify an employee of his or her FMLA rights.
2. Failing to notify an employee that leave counted toward his or her 12-week FMLA entitlement.
3. Counting FMLA leave against the firm's absentee policy for disciplinary purposes.
4. Taking disciplinary action against an employee for using FMLA leave.
5. Failing to grant leave to provide physical care or psychological comfort to a seriously ill patient.
6. Failing to reinstate an employee to the same or an equivalent position, including the same shift.
7. Terminating an employee during or at the conclusion of FMLA leave.
8. Failing to grant FMLA leave because of a misunderstanding of what qualifies as a "serious health condition".
9. Failing to request medical certification in writing and not giving the employee at least 15 days to obtain medical certification.
10. Failing to handle questions about the validity of a medical certification by guidelines set forth in the FMLA regulations.

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