

## Family and Medical Leave Information for Supervisors

The Federal Family and Medical Leave Act (FMLA) requires employers to notify an employee of his or her rights under FMLA when they become aware of the following covered situations:

- Incapacity due to pregnancy, prenatal medical care of child birth;
- To care for the employee's child after birth, or placement of adoption or foster care;
- To care for the employee's spouse, son, daughter or parent, who has a serious health condition
  - Also includes caring for an ill or injured service member
- For a serious health condition that makes the employee unable to perform the employee's job

*(Human Resources will determine if an employee is eligible for leave under FMLA. The employee will be notified of their rights and responsibilities, and if they are not eligible for FMLA they still may be eligible for leave under UNE's Disability Leave of Absence Policy.)*

As a supervisor, you play an important role in helping the University comply with FMLA. Many responsibilities also apply under UNE's Disability Leave of Absence Policy. Below are your responsibilities:

1. When you become aware of a situation as described above, refer the employee to Cat Martins in HR (207-602-2394 or [cmartins@une.edu](mailto:cmartins@une.edu)) for important information about FMLA. You should also notify Cat Martins of an employee's potential need for leave under FMLA.

HR will determine if the employee qualifies for FMLA, send notification of FMLA entitlements and provisions, and provide guidance to the employee on completing the required forms.

2. Please familiarize yourself with the employee responsibilities and rights under FMLA. The FMLA poster is a great resource, but if you are unfamiliar with the guidelines related to FMLA policy seek assistance from Human Resources.

Please obtain a FMLA poster from Cat Martins in HR and place it in your break room or other prominent work location.

3. If an employee misses 3 or more continuous days from work, please notify Cat Martins in HR so she can reach out to the employee directly and determine if the absences are FMLA related.
4. Please note that the employee should **not** provide you with the Medical Certificate, but should instead submit it directly to Cat Martins in HR (11 Hills Beach Road, Biddeford, ME 04005, [cmartins@une.edu](mailto:cmartins@une.edu), or fax 207-602-5902).

A supervisor **may not** directly contact a health care provider to request additional information, but he/she can consult with Cat Martins in HR if assistance is needed.

5. Please make sure that the employee is aware of his/her department requirement for calling in an FMLA absence, providing updates, and notifying the department (and Cat Martins in HR) of the date of return to work.

A supervisor should maintain contact with his/her employee to remain informed of any change in the circumstance for which leave is being taken.

6. You are responsible for ensuring accurate time reporting for the employee.
7. You should not permit an employee to return to work from a personal illness or injury leave until s/he has provided Cat Martins with any required proof of fitness for duty. You may contact Cat Martins in HR to confirm if that has been received.
8. Please note that if an employee continues to be disabled at the end of the twelve week FMLA protection period, they may apply to be continued on a Disability Leave of Absence (UNE's Policy) with benefits until the medical provider releases them to return to work or for a maximum period of six months from their last day of work (for employees with less than ten years' service) or twelve months from their last day of work (for employees with ten or more years' service).

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## **HIPAA**

The supervisor is responsible for ensuring that the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) guidelines are followed. The supervisor/employer is responsible for protecting the privacy and confidentiality of all Personal Health Information (PHI) obtained as a result of an FMLA application and process. HIPAA guidelines will be applied to the use, maintenance, transfer, and disposition of healthcare records and information.

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## **Employee Responsibilities under FMLA**

Employees have certain responsibilities to fulfill if the leave taken is to be granted or designated as FMLA leave. In general, employee must:

- Provide 30 days' advance notice of the need to take FMLA leave when the need for leave is foreseeable;
- Provide sufficient information (usually a certification form provided by Cat Martins in HR) in a timely manner so that Human Resources may review for FMLA eligibility;
- Provide re-certification of condition if requested by Cat Martins in HR; and
- Maintain appropriate contact with both his/her department and Cat Martins in HR regarding his/her return-to-work status

An employee's failure to provide information in a timely manner may result in the delay or denial of FMLA leave.

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## **Human Resources Contact Information Regarding Leave**

### **Cat Martins**

Benefits & Disability Specialist

Phone: 207-602-2394

Fax: 207-602-5902

Email: [cmartins@une.edu](mailto:cmartins@une.edu)

