

Program Agenda

FMLA Hot Topics 2009

8:00 am: **Registration**

8:30 am

On the FMLA Horizon: Proposed Legislation and Emerging Issues

- A brief overview of the new FMLA regulations
- Pending legislation: What's on the table and what is likely (or not) to become law
- What we can learn from recent DOL Opinion Letters
- Emerging trends and common FMLA pitfalls

9:00 am

Family Military Leave to Care for an Injured Service Member and for a Qualifying Exigency

- Determining the amount of leave available to care for an injured service member or a qualifying exigency
- Clarifying who is eligible for family military leave
- Defining "qualifying exigency"
- Getting proper certification for family military leave

10:15 am: **Break**

10:30 am

Clarifying the Confusing Employee Eligibility and Leave Entitlement Requirements

- Recent court cases you must know about to understand employee eligibility requirements
- Is "I'm sick" sufficient notice that an employee needs FMLA leave?
- Understanding how light duty is treated under the FMLA
- The effect of disability benefits on the employer's right to require the use of accrued paid leave during FMLA leave
- Clarification on what the courts approve as an equivalent job
- Prorating bonuses based on the use of FMLA leave: What you can and can't do
- Ending protected leave for employees who do not intend to return to work

11:30 am

Using the Medical Certification Process to Verify That a Serious Health Condition Exists

- Defining the term "serious health condition" for an employee or family member
- When is an employee needed to care for a family member?
- Medical certification forms: What to look for and when to request additional information
- How your vacation and sick leave policies may limit your ability to ask for medical certification
- Working with health care providers to ensure you get the information you need to decide if a condition qualifies for leave
- Using second and third medical opinions and why they are important if the employee's health condition becomes a subject of litigation
- When and why you can request recertification
- The limitations of fitness-for-duty certification: Be careful not to require too much

12:30 pm: **Lunch on your own**

1:30 pm

FMLA Recordkeeping Compliance and Leave Management

- Records you must keep to comply with the FMLA regulations
- Employer posting and notice requirements
- Getting the information you need from an employee to know that absences are for an approved intermittent-leave purpose
- Tracking intermittent leave: Understanding the time units you can count
- The growing case for integrated FMLA, disability, and health management
- *Interactive exercise:* Filling out WH-381, Employer Response to Employee Request for Family or Medical Leave

2:15 pm: **Break**

2:30 pm

Walking the FMLA Tightrope: Protecting Your Organization from FMLA Retaliation Liability When Disciplining and Terminating Employees

- Understanding the difference between interference claims and retaliation claims and why it matters
- The steps you must follow when disciplining or terminating an employee for poor performance during or after FMLA leave
- Avoiding liability when terminating an FMLA-protected employee for violent behavior
- Employee severance agreements: Can employees waive FMLA rights?
- When supervisors and managers can be individually liable for FMLA violations

3:15 pm

Juggling Multiple Leave Issues at the Same Time: Coordinating FMLA, ADA, and Workers' Comp Benefits

- Understanding the basics
- Type of entitlement: Leave vs. compensation
- Discrimination and leaves of absence
- Pregnancy and childbirth

4:00 pm: **Program Concludes**