

## **FAMILY AND MEDICAL LEAVE ACT (FMLA) Supervisor Checklist**

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**1. Is the employee eligible under FMLA?**

A. Employed by the state of Texas for at least 12 months\*? \_\_\_ Yes \_\_\_ No

\* Does not need to be consecutive months.

B. Worked 1250 hours in the 12 months immediately before the leave? \_\_\_ Yes \_\_\_ No

If **NO** to either A or B, notify the employee that he/she is ineligible for FMLA.

If **YES** to both A and B, proceed to Section 2 below.

**2. Does time qualify as a Serious Health Condition?**

**Birth** of a son or daughter to the employee and in order to care for such son or daughter

**Placement** of a son or daughter with the employee for adoption or foster care

**Serious Health Condition** of the employee or of the employee's spouse, son, daughter or parent

any period of incapacity or treatment connected with an inpatient stay; or

a period of incapacity requiring absence of more than three consecutive calendar days that also involves continuing treatment; or

any period of incapacity due to pregnancy, or for prenatal care; or

any period of incapacity due to a chronic serious health condition (e.g., diabetes, asthma, etc.); or

period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., stroke, Alzheimer's, etc.); or

any absences to receive multiple treatments for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, dialysis, etc.).

If none of the categories above apply, notify the employee that he/she is ineligible for FMLA.

If any category in Section 2 applies, complete Sections 3-6 below.

**3. Determine how the FMLA time will be charged** (vacation leave, sick leave, sick leave pool, or unpaid leave).

**4. Provide notice to the employee.** *Notification must be provided to the employee within two working days. The designation may be made orally, but must be followed by a written notice no later than the following payday, or the next payday if the following payday is less than one week after the oral notice. ( See Notification of Family and Medical Leave Eligibility Memorandum and FMLA Packet Checklist.)*

**5. Properly track time allotted to the 12 week FMLA entitlement.** Sick leave, sick leave pool and annual leave run concurrently with FMLA, however, compensatory time does not count toward the 12 week entitlement.

**6. Followup on required medical documentation and reports.**