

# AAIM Course Description



## Conquering FMLA: An Advanced Course in Administration

The Family and Medical Leave Act (FMLA) has been around for over a decade and it continues to be one of the largest compliance headaches for employers. Detailed regulations and numerous legislative and regulatory changes have made it extremely difficult for Human Resources to administer. This course will help you and your organization overcome compliance and employee-leave challenges while becoming more proficient in FMLA administration. You'll obtain the skills, understanding, and confidence needed to make case-by-case and strategic FMLA decisions that withstand the toughest scrutiny.

### In this course you will:

- Review the latest FMLA expansion eliminating the risk of noncompliance
- Understand what recent FMLA court decisions really mean and how to adjust policies accordingly
- Discover why FMLA record-keeping continues to trip up even the savviest human resource manager and how to avoid similar mistakes
- Consider how to solve intermittent leave and reduced schedule issues while putting a stop to abuse and fraud
- Determine how FMLA, the American Disabilities Act (ADA), and state leave and workers' compensation laws overlap, so you don't violate any statute
- Learn what to expect when an employee's expecting so you can balance your business needs with her personal requirements, all within the spirit and letter of the law
- Decide how to judge a "serious health condition" the way a real judge would and eliminate disputes about what does and doesn't meet the definition

### Topics that will be covered:

#### Serious Health Conditions & Collecting Medical Information

At the root of most FMLA leave is a "serious health condition". While FMLA regulations offer guidance and allow you to require medical certification, the possible reasons for needing FMLA leave are endless. Assessing the information requires keen judgment.

#### During this session, participants will:

- Learn how the criteria for serious health conditions changed under the 2008 regulations
- Determine whether an employee with the flu or a cold has a serious health condition
- Decide how often your employee needs to see a health care provider
- Review which professionals may provide medical certification under FMLA
- Understand what to do if a medical certification is incomplete or unclear
- Consider when you may require an employee to provide recertification of their serious health condition

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## **Meeting Notification Deadlines, Curbing Abuse, and Preventing Claims**

A large component of FMLA surrounds timelines and usage. Confusion surfaces regarding timelines for giving and receiving information, measuring how much leave has been taken, and deciphering how much employees still have remaining in a given FMLA year. A good grasp of timing rules – and learning how to monitor other key areas of FMLA usage – can help you prevent abuse of FMLA entitlements and fend off litigation.

### **During this session, participants will:**

- Discover how to give the four kinds of FMLA notice
- Recognize the best type of FMLA leave for your organization
- Understand how to count holidays that fall during leave
- Learn how to apply your own absenteeism policies and how to administer those policies without violating FMLA
- Determine how to investigate possible FMLA abuse or fraud
- Review how to legally terminate employees who are on, or just returned, from FMLA leave

## **Military Family Leave**

In 2008, legislation gave military families the right to take unpaid, job-protected leaves from work to care for seriously ill or injured service members (military caregiver leave) or handle emergencies arising out of their active duty military service (qualifying exigency leave). In 2009, the criteria for employees to take both types of leave were broadened even further. If you have employees with family members serving in the Armed Forces, National Guard, or military reserves, your organization is likely to be affected.

### **During this session, participants will:**

- Receive the latest information on the new situations in which employees may take qualifying exigency and military caregiver leave
- Discover the military documents that will always be sufficient certification of the need for leave
- Learn how the rules regarding documentation and verification of military family leave differ from other types of FMLA leave
- Understand for caregiving purposes who is a soldier's "next of kin"
- Review the special rules regarding how to track military caregiver leave
- Determine how much leave spouses are entitled to take when they both work for you

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## **Advanced FMLA Issues**

It's one thing to grasp individual FMLA rules, and it's quite another to put those rules into practice. Are you prepared for when an employee fails to follow your absenteeism policies? Do you know if a light-duty job is consistent with FMLA rights?

### **During this session, participants will**

- Understand the rules regarding substitution of various different types of paid leave for FMLA leave
- Decipher when employees have job reinstatement rights and when they do not
- Determine FMLA leave rights when spouses work for the same company
- Learn how to mesh your regular FMLA leave year with the specialized calendar used for calculating military caregiver leave
- Review how the courts are interpreting the 2008 FMLA regulations and answering other tricky FMLA questions

## **Coordinating FMLA with the ADA and Workers' Compensation**

FMLA seems pretty comprehensive, but it's not the only law that applies to situations involving time off due to serious illness or other situations that FMLA covers. You need to know when other laws may give you greater responsibilities and how their requirements work in tandem with FMLA.

### **During this session, participants will:**

- Discover why FMLA serious health conditions are more likely to qualify as disabilities under recent changes to the ADA
- Decipher when you should offer leave as a reasonable accommodation under the ADA
- Understand how to offer accommodations other than leave without violating FMLA requirements
- Learn what you must do to comply with the privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the Genetic Information Non-Discrimination Act (GINA) when seeking medical certification of FMLA leave
- Review when you can follow workers' compensation rules on FMLA information gathering
- Recognize when you can require employees to take FMLA leave concurrently with workers' comp leave

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**Prerequisites:** Professionals who want to help their organization overcome compliance and employee leave challenges while becoming more proficient in FMLA administration.

**Advanced Preparation:** There is no advanced preparation for this course.

**Competencies:** Functional Knowledge & Skills, Human Resources

**Delivery Method:** Group-Live | **Course Level:** Basic | **Duration:** Full-day

**Continuing Education/Recertification Credits:** CPE Credits, HRCI Recertification Credits and SHRM Professional Development Credits may be available for this course.