Department of Labor Onsite FMLA Investigations on the Rise

Dear Valued Client:

The U.S. Department of Labor announced the agency's intent to increase onsite Family Medical Leave Act (FMLA) investigations by reviewing documents and interviewing employees onsite.

Here are some common FMLA violations:

- Terminating an employee because he/she is on FMLA leave.
- Not offering or refusing FMLA leave for an eligible employee.
- Discouraging a worker from using FMLA leave.
- Making someone's request for or use of FMLA leave a negative factor in employment actions, such as hiring, promotions or disciplinary actions.
- Counting FMLA leave as attendance violations.

Infinite Workforce Solutions Human Resources can help you stay compliant with the following checklist.

- ✓ Have up to date employment law posters
- ✓ Have an up-to-date FMLA policy in employee handbooks with signed employee acknowledgement forms
- ✓ Verify employees who may qualify for FMLA and provide appropriate employee documentation
- ✓ Coordinate communication and tracking of FMLA information
- ✓ Provide a written medical leave policy in place for employees who don't qualify for FMLA
- ✓ Provide training for supervisors

Government agencies may show up at your door unannounced with the intent of catching you off guard. Should this happen, request a rescheduled date and time to be mutually convenient to accommodate your business operation, **immediately contact Infinite Workforce Solutions**, and contact your legal counsel.

To ensure FMLA compliance, Infinite Workforce Solutions recommends training for your supervisors. Training is the first line of defense in avoiding legal and financial risk. The second compliance rule of thumb is documentation. In our society, companies must protect themselves with written documentation justifying all employee actions including FMLA.

If you would like more information about FMLA or other compliance issues, please contact Infinite Workforce Solutions Human Resources at 512-271-9700, ext 209, or email sharon.ely@infinite-ws.com.

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