

Don't Be Left Behind: How to Manage Employee Leave

Presented by Sabrina Baker, PHR



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About Sabrina

- Founder and CEO of Acacia HR Solutions
- HR leader for 11 years
- Named one of Huffington Post's Top 100 HR Influencers on Twitter

Trends in Leave Laws

- Paid maternity leave for all workers
 - Of 185 countries, only the U.S. and Papua New Guinea lack federal policies for paid maternity leave
 - FMLA is unpaid and doesn't cover many workers
- Paid sick leave
 - Some cities and states have already passed these laws
 - Push at the federal level to pass the Healthy Families Act

Learning Objectives

- Handling medical leaves of absence
- FMLA overview
- Other regulations requiring leaves of absence
- Practical preparation for the employee's leave and return

Handling Leave of Absence Requests



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FMLA Basics

- Family and Medical Leave Act established in 1993
- Applies to businesses with 50 or more employees on payroll for 20 or more workweeks in the current or preceding calendar year
- Applies to public agencies, including state, local and federal employers, and local education agencies of any size

FMLA Basics

- Employees eligible for 12 weeks of unpaid FMLA leave if:
 - They have worked for 12 months and a minimum of 1,250 hours
 - They work at a location where at least 50 employees are employed within 75 miles
- Reasons for eligible leave:
 - Birth and care of the employee's newborn child
 - Placement of a child with the employee for adoption or foster care
 - Care of an immediate family member with a serious health condition
 - Employee's own serious health condition

FMLA and Military-Related Leave

- Employees with immediate family member on covered active duty status or called to active duty status in the Armed Forces may also be entitled to 12 weeks of leave
- Special FMLA leave entitlement for up to 26 weeks of leave if a family member is a covered service member



A Reasonable Accommodation?

- Americans with Disabilities Act (ADA) lets workers with physical or mental disabilities request reasonable accommodations, including leaves of absence, to perform their jobs
- ADA applies to businesses with 15 or more employees
- ADA's definition of a "disability" is broad and could potentially cover most major illnesses

Undue Hardship

- Employers don't have to accommodate if doing so causes undue hardship
- Records of employee workloads, job descriptions and financial reports can help prove undue hardship
- Amend handbooks to include attendance requirements

Talking About Medical Leave

- Supervisors should avoid discussing these topics with direct reports
- Don't ask for details, specifics or diagnoses
- Keep conversations high-level and focused on work
- Make sure medical information is confidential
- It's *your* responsibility to know when FMLA or ADA are triggered

Other Common Leave Requests

- Local laws may cover more types of leave
- Personal reasons
- If no law applies, it's up to company policy and HR
- Be consistent and objective



Policies That Protect You

- General leaves of absence are an employee benefit, so you can apply specific rules
- Create a separate policy for traumatic events, such as allowing time off for employees who have been victims of serious crimes
- FMLA policies can require employees to use paid leave concurrently

The “Human” in “Human Resources”

- Remember: your employees are human beings who may be going through very difficult times in their lives
- Don't share frustrations or worries with employees requesting leave
- Be patient and flexible



Preparing for Employee Leave



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Step One: Handling the Request

- Managers should share requests with HR to determine if laws or policies apply
- If ADA may apply, start evaluating whether the request would cause undue hardship, as well as exploring other accommodations

Step Two: Taking Care of Business

- Figure out what needs to be done and who can do it
- Make lists of critical job functions, projects or other work with deadlines
- Check in with employee to see if anything has popped up and to confirm last-minute details
- Assign tasks to current employees or hire temporary help, unless either of these would cause undue hardship

Step Three: Finalizing the Leave

- Make sure all necessary paperwork and documentation has been submitted for the leave
- Managers should meet with employee again to see what was completed or if any new work has been assigned
- Verify return date
- Give the employee an appropriate goodbye, such as a card or lunch

Staying in Touch



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Staying in Touch

- If no laws apply, ask employees to check in occasionally or if they would like to be included in any events or meetings
- If laws apply, approach the situation more cautiously
 - The employee is on leave, not working from home, so he or she can decide how much contact is appropriate
- Reach out through e-mail or text to see how the employee is doing and make them feel more valued

Welcome Back



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Easing the Transition

- Schedule calls prior to return date to confirm the employee's return
- Give a brief overview of any important changes or updates that occurred during the employee's absence

Preparing for the Employee's Return

- Once return date is confirmed, schedule meetings with managers, team members or other coworkers affected by the absence
- Have the employee meet with HR to review any recordkeeping or pay issues
- Welcome the employee back by scheduling a team lunch or giving the employee flowers or a card

Final Notes

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Final Notes

- Paid sick leave and maternity leave are two employment law trends you need to keep an eye on
- Even if FMLA doesn't apply to your business, ADA might, and a leave of absence may be a reasonable accommodation
- Create policies that protect your business
- Take the time to prepare for leaves of absence to avoid problems
- Always remember the “human” in “human resources” when employees ask for leaves of absence due to medical conditions or other trying times

Thank you!

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