

# 5 common mistakes employers make while managing FMLA

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## 1. Failure to Notify employees of FMLA policies

Employers must keep employees informed of their FMLA rights. If not, you may be violating their FMLA rights. It is also suggested that you communicate the procedure by which leave needs to be taken and how FMLA leave is monitored.



## 2. Removing Employees from their previous roles

While FMLA provides employees with job protected leave, their employer must place them in the same role, or a role with equal pay, benefits, and responsibility when they return.



## 3. Asking for too Much medical information

Employers are entitled to receive an adequate amount of information to ensure the employee does have a FMLA qualifying condition. Although according to the DOL asking for too much medical information may discourage employees from applying for FMLA leave.



## 4. Granting Leave to ineligible employees

Employers occasionally grant unfound time to employees for fear of litigation. Employers need to actively manage absence claims to ensure employees are eligible for FMLA leave according to DOL specifications.



## 5. Failure to Make Employees aware of certification rules

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**Making these common mistakes could put your company at risk of litigation.**

Remember:

As of May 2014, the DOL will be increasing on-site visits regarding FMLA investigations<sup>1</sup>.  
The average cost of a litigation is \$335,000<sup>2</sup>.

### Our Sources

<sup>1</sup>FMLA Insights "Department of Labor to Increase Frequency of FMLA On-site Investigations" April 25, 2013  
<http://www.fmlainsights.com/department-of-labor-to-increase-frequency-of-fmla-on-site-investigations/>

<sup>2</sup>HRO today "Absence Minded" July/August 2013  
<http://www.hrotoday.com/content/5201/absence-minded>

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