

# Managing Intermittent FMLA Leave

Employer challenges and solutions.



Intermittent leave under the Family and Medical Leave Act (FMLA) occurs when leave is not taken in a continuous block of time. For employers, managing intermittent leave can be challenging and costly due to the sporadic and disruptive nature of these absences. Having a solid absence administration program in place is important. It can help reduce risks, save money, and minimize disruptions in the workplace.

## Intermittent Leave Today



While employers are growing more confident in understanding FMLA and incorporating it into their business processes, they still struggle with administering intermittent leave. Some of the difficulties employers face are:

- › Training managers and supervisors on FMLA and evolving leave laws
- › Having a decentralized approach and nonstandard policies
- › Lacking technology for tracking and administration



Intermittent FMLA leave can also be a target of abuse and can have a significant impact on company morale and productivity. Employers should have a clear, FMLA-compliant strategy in place to help combat intermittent leave abuse. Signs of FMLA abuse may include:

- › High degree of FMLA leave usage on Fridays, Mondays, and around holidays
- › Employees who are unable to use their vacation or personal days take family medical leave for those same days
- › Coworkers informing employers about employee FMLA abuse in the workplace

# Employer Solutions

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Administration of intermittent family medical leave remains a challenge. However, there are ways employers can reduce fraud and abuse, while managing the process more efficiently:

1. Develop a sound policy. Define the company's processes and policies to ensure consistent absence management, while making sure the policy:
  - › Complies with FMLA, Americans with Disabilities Act (ADA), and state leave laws
  - › Prevents and reduces costly absences
  - › Optimizes health, productivity, and savings
2. Create solid administrative practices for confirming eligibility, tracking use, and enforcing call-out procedures.
  - › Proper tracking can help ensure the right amount of family medical leave is available for employees while also highlighting patterns or trends that could suggest abuse.
  - › Employers have the right to enforce their regular call-out procedures and request sufficient information to find out whether a leave request qualifies for FMLA.
3. Clarify roles and responsibilities. Make sure expectations are clear for supervisors and employees.
  - › Train managers on how to identify and designate leave time properly.
  - › Help employees understand their rights and how to correctly submit a leave request.
4. Use medical certifications and request re-certifications to help determine whether family medical leave should be extended.
  - › FMLA provides employers with the option of requiring medical certifications, which may be the best tool for helping to curb abuse.
5. Integrate FMLA management with other benefit programs to improve employee experience and increase effectiveness.
  - › By looking at the most common FMLA claims, employers can gain insights into leave trends and offer programs, such as employee assistance programs, disease management, or health coaching, that will address their employee's needs.
  - › Integrating FMLA administration with other absence programs provides coordinated and consistent application, communications, and processes.
6. Consider outsourcing FMLA to enhance compliance, consistency, and optimize outcomes. Some advantages include:
  - › More accurate and consistent tracking, reporting, and correspondence
  - › Reduced costs with more efficient and automated administration
  - › Increased employee productivity and morale through fair and consistent policy applications
  - › Ensure compliance with state and federal FMLA laws

Intermittent family medical leave is an important tool to support employees when they need it most. When managed correctly, employers can minimize disruption, misuse, and expenses – and it all starts with a sound policy. New York Life Group Benefit Solutions (NYL GBS) can help assess your current leave-of-absence policies and identify areas of opportunity based on your goals.



New York Life Absence Assist<sup>SM</sup> provides a full suite of solutions to help you meet regulatory leave requirements and all your company's administrative needs. Reach out to your NYL GBS representative or [contact us](#).

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