

FMLA Recertification for a New Fiscal Year

The Family and Medical Leave Act (FMLA) is administered on a fiscal year basis. Administrators should review leave records of those employees whose FMLA-related absences (continuous or intermittent) will carry into the next fiscal year. Employees will have to requalify for FMLA benefits and may need to have their family and medical leave (FML) recertified.

The evaluation of the eligibility period should begin with the first FMLA-related absence of the new fiscal year. To determine eligibility, the administrator should confirm the employee has physically worked a minimum of 1,250 hours with the state in the last 12 months.

Administrators should notify the employee (in writing) within five business days whether they are or are not eligible under FMLA. If they are eligible, their leave will tentatively be granted as FMLA leave and counted against their annual FMLA leave entitlement contingent upon receipt of a medical certification form, physician's statement or other acceptable documentation within 15 calendar days of receipt of the notice (additional time may be required in some circumstances).

Note: Administrators must use caution before requiring an employee to provide an updated certification form, as FMLA law does not allow an employer to arbitrarily require a new form unless the employee is absent due to their own potential FMLA-related condition or their qualifying family member's potential FMLA-related condition.

Recertification Information for Times Other Than a New Fiscal Year

We may request recertification of FMLA leave from our employees during the course of this fiscal year; however, the requests must be made in accordance with FMLA rules and regulations.

30 – Day Rule

We may request recertification of FMLA leave no more than every 30 days and only in conjunction with an employee's absence. The employee must be given the standard 15 calendar days to return a requested certification form.

More Than 30 Days

If the medical certification indicates that the minimum duration of the condition is more than 30 days, we must wait until that minimum duration expires before we may request a recertification. For example, if the certification states the employee will be unable to work for 40 days, we must wait 40 days before we request a recertification. Note: In any case, may request recertification every six months. All recertifications must be made in conjunction with an absence, and the employee must be given 15 calendar days to return a certification form.

Less Than 30 Days

We may request recertification in less than 30 days if:

- the employee requests FMLA leave beyond the return to work date of the latest certification form;
or
- circumstances described by the previous certification have changed significantly.

For example, an employee's latest certification form indicates he may miss up to 2 days of work per week, but the employee begins to miss 3 to 4 days per week.

The employee must be given the standard 15 calendar days to return a requested certification form.