

EMPLOYER RESOURCES: TIMELINE FOR ELIGIBILITY AND DESIGNATION

Under federal FMLA and CT FMLA, there are notice obligations and specific timeframes that human resources and the employee must follow. These obligations are summarized below. (For convenience, the employer is referred to as HR in the chart. If an employer does not have designated HR staff, it must identify who employees should notify when they need leave.)

ACTION	TIMETABLE
1. Employee: Request for Leave Employee notifies employer that they need leave (either explicitly referencing FMLA or giving HR enough information that HR can reasonably infer that FMLA applies).	30 calendar days before start date of leave, or as soon as practicable, under the specific facts and circumstances.
2. HR Response: Eligibility Notice HR gives the employee the Notice of Eligibility and Rights and Responsibilities and notifies the employee that they must complete and return the necessary certification form(s) if employee has not already done so. The Eligibility Notice is not a leave approval. It simply notifies the employee if they meet the eligibility requirements under federal and CT FMLA for the leave requested. If HR determines the employee is not eligible for leave under federal or CT FMLA, they must indicate on the form why the employee is not eligible. HR may require the employee to complete a written request for leave document, but it cannot delay performing its required actions simply because the written request has not been provided.	Within 5 business days of the employee requesting leave or the employer learning that an employee's leave may be for a FMLA-qualifying reason.
3. Employee Response: Certification Employee returns the completed leave application and the appropriate certification form(s) with any required supporting documentation. Employee is responsible for notifying HR about any problems that make it impossible for the employee to provide the completed certification form within the 15 days.	Within 15 calendar days of receipt of the forms from HR, unless it is not possible to do so despite employee's diligent good faith efforts.

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4. HR Response: Designation Notice HR reviews the certification and determines whether it has enough information to designate leave (go to step 5) or whether the certification is incomplete (go to step 4a).	Within 5 business days of receipt of the certification.
<i>4a. Incomplete Certification:</i> If certification is incomplete, HR must notify the employee in writing what additional information is necessary and must give the employee the opportunity to correct the deficiency. <i>Employee Response:</i> Employee must return the completed certification to HR within 7 calendar days of receipt of the notification that the original certification was insufficient, unless it is not possible to do so despite the employee's diligent good faith efforts. Employee is responsible for notifying HR about any problems that make it impossible for the employee to provide the completed certification within 7 calendar days.	Within 7 calendar days of HR notice that the certification was incomplete or insufficient.
5. HR Response: Designation Notice Once HR has sufficient information to determine if it can approve or must deny the leave request, it must notify the employee in writing of its determination. The written designation notice must include the following: • How the leave will be designated, • How much time will be counted against the employee's leave allotments, • Whether any paid leave will run concurrently with the leave (and how much) and • Whether a fitness for duty certification will be required before the employee returns to work. (A fitness for duty certification can be required only if the employee takes leave for their own serious health condition.)	Within 5 business days of receipt of the complete and sufficient certification.