

# 2011 ERC/CareWorks FMLA Practices Survey Results Summary



This report summarizes the results of ERC's survey of organizations in Northeast Ohio, conducted in October and November of 2011, on practices related to FMLA administration, certification and notice, usage, and challenges. 134 employers in Northeast Ohio completed the survey.

## FMLA administration

- Most employers (87%) centralize the administration of FMLA in-house and train their supervisors and managers on FMLA (51%). Few employers outsource FMLA administration to a third party.
- The most common ways that employers track FMLA is by using timesheets/attendance cards, Excel, and payroll systems.
- In terms of how organizations calculate FMLA, the majority of respondents (59%) use a rolling 12 month period measured backwards, however, some (34%) use a rolling 12 month period measured forward.
- Most employers run FMLA concurrently with a variety of other benefits, most commonly including short term disability, workers compensation, and other paid/unpaid medical leave.
- Sixty-nine percent of organizations require use of paid leave (if available) when employees are on FMLA leave.
- Thirty-eight percent of organizations normally pay employees out on FMLA leave for a company holiday.
- Most organizations say that they never or only sometimes receive complaints from employees who do not want to count their time as FMLA.
- For employees who don't qualify for FMLA, most employers (76%) have a leave of absence policy that employees can use if they do not qualify for FMLA.

## FMLA certification

- To determine whether an employee's request for FMLA qualifies as a serious health condition, the widespread majority of employers (88%) always request medical certification/documentation and verify reason given by employee, however, rarely if ever directly contact employees' health care providers during the certification process, use a nurse case manager or clinical resource to review FMLA certifications, or request a second or third medical opinion before granting FMLA leave.
- Employers generally do not solely use supervisory or HR judgment/knowledge to determine qualifications for FMLA.
- Seventy-two percent of employers never accept and approve FMLA based on only an employee's verbal or written reason for requesting leave.

- The majority of organizations (84%) require fitness for duty certification.
- Respondents require recertification or updated medical documentation only if an employee exceeds approved frequency or duration (41%), however, some employers require this information every 6 months in conjunction with absence (17%), annually (19%), or when they are notified of a change in treatment (19%).
- The most common amount of notice given for use of intermittent FMLA leave is either one day prior or the day of the absence before the shift begins.
- The average number of required days notice and the average days notice for FMLA leave typically varies depending on the condition in which leave is being taken.
- More notice is typically given and required for pregnancy/maternity leave, whereas less notice is typically given and required for serious health conditions, catastrophic events, and care of a family member.

## FMLA usage

- Most employers surveyed report that on average, 1-10% of employees took FMLA leave in the last 12 months.
- The majority of respondents (69%) indicated that they denied no FMLA claims in the last 12 months with 26% denying 10% or fewer claims.
- Twenty-four percent (on average) of total FMLA absences were due to pregnancy/maternity leave, 23% were due to acute serious health conditions, 19% were due to chronic serious health conditions, 6% were due to catastrophic events, and 13% were due to care of a family member.
- The average minimum increment of time that employers require employees to take intermittent FMLA is 48 minutes, with the most common increments of time being 15 minutes (31%), 30 minutes (15%), and 60 minutes (28%).
- The average duration of episodes (in hours) for serious health conditions which occur less than one full workday is 3 hours, according to respondents. The most commonly cited duration of episodes was 4 hours, reported by 57% of organizations.
- With regard to shift-workers that use intermittent leave, the majority of organizations surveyed (78%) allow employees to rejoin mid-shift versus requiring the entire shift as leave (6%).
- Respondents say that on average, only 23% of employees who took FMLA in the past year exhausted their allotment.
- The widespread majority of employers surveyed (70%) reported that 20% or fewer employees exhausted their FMLA allotment, and 60% reported that 10% or fewer employees exhausted their allotment.

## **FMLA challenges**

- The majority of employers surveyed are either satisfied (40%) or somewhat satisfied (38%) with their current FMLA administration process, however, 40% of respondents would consider outsourcing the administration of FMLA if it would save their organization money or lower its bottom line.
- Fifty-six percent of organizations believe they are capturing all the situations at their organizations which should be designated as FMLA.
- While employers are faced with many varied challenges when administering FMLA, the most common challenges cited in the survey were tracking, compliance, and determining the overall costs associated with FMLA absences.