

# **2011 ERC/ CareWorks FMLA Practices Survey**

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**Conducted by ERC**

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# Table of Contents

<b>Introduction &amp; Methodology</b>	<b>3</b>
<b>FMLA Administration</b>	<b>4</b>
<b>FMLA Certification &amp; Notice</b>	<b>18</b>
<b>FMLA Usage</b>	<b>33</b>
<b>FMLA Challenges</b>	<b>44</b>
<b>Respondent Demographics</b>	<b>50</b>

## About ERC

ERC is Northeast Ohio's largest organization dedicated to HR and workplace programs, practices, training and consulting. ERC membership provides employers access to an incredible amount of information, expertise, and cost savings that supports the attraction, retention, and development of great employees. We also host the nationally recognized NorthCoast 99 program and sponsor the ERC Health insurance program. For more information about ERC, please visit [www.ercnet.org](http://www.ercnet.org).



## About CareWorks

CareWorks USA is one of the nations fastest growing providers of FMLA Administration and Absence Management Services. Our outcome based programs are customized to ensure your FMLA and Absence Management programs are administered according to your organization's values, philosophies and policies. We offer a streamlined, cost effective approach to ensure consistent claims handling and regulatory compliance both on a state and federal level. Through our technologically advanced software and our administrative and medical expertise, our Family Medical Leave administration services provide a comprehensive package of services for employers. For more information about CareWorks, please visit [www.careworksusa.com/fmla](http://www.careworksusa.com/fmla).

## Introduction & Methodology

This report summarizes the results of ERC's survey of organizations in Northeast Ohio, conducted in October and November of 2011, on FMLA practices. The survey was conducted in partnership with CareWorks USA, ERC's Preferred Partner. The survey reports trends in:

- FMLA administration
- FMLA certification and notice
- FMLA usage
- FMLA challenges

All ERC members were invited to participate in the survey starting on October 26th, 2011 via email invitation and other promotions, and participated in the survey throughout the month. The survey officially closed on November 18th, 2011. In order to provide the most reliable and accurate information, data was cleaned and duplicate records were removed. Any outliers or invalid data were also eliminated, yielding a final data set of 134 participating organizations, only from Northeast Ohio. Qualitative data was coded where applicable or analyzed according to commonality or major themes, and all quantitative data was analyzed using statistical software to ensure data validity and reliability.

This report shows several frequencies and response distributions. Frequencies of data responses may not total 100% exactly in some cases due to rounding of decimals or the ability for participating organizations to select multiple response options. In some cases, breakouts are not included due to quantity of data or insufficient sample.

## 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. Additionally, 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.

With regard to how benefits, paid leave, and pay are handled, 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. In addition, 38% normally pay employees out on FMLA leave for a company holiday. Generally, 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.

### 1. How does your organization administer Family and Medical Leave (FMLA)?

Percentage of organizations that administer Family and Medical Leave (FMLA) in the following ways

	In-house; centralized*	In-house; decentralized**	Outsourced to third party
<b>All Organizations</b>	87%	9%	4%
<b>Industry</b>			
Manufacturing	84%	10%	6%
Non-Manufacturing	91%	8%	2%
<b>Organizational Size</b>			
1-100	100%	0%	0%
101-500	84%	12%	4%
Over 500	69%	15%	15%

\* = Handled at one location

\*\* = Handled at more than one location

## 2. How do you track FMLA?

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### Percentage of organizations that track FMLA using payroll

	Percent
<b>All Organizations</b>	35%
<b>Industry</b>	
Manufacturing	27%
Non-Manufacturing	38%
<b>Organizational Size</b>	
1-100	45%
101-500	31%
Over 500	15%

### Percentage of organizations that track FMLA using timesheets/attendance cards

	Percent
<b>All Organizations</b>	52%
<b>Industry</b>	
Manufacturing	56%
Non-Manufacturing	51%
<b>Organizational Size</b>	
1-100	61%
101-500	54%
Over 500	46%

**Percentage of organizations that track FMLA using Excel**

	Percent
<b>All Organizations</b>	36%
<b>Industry</b>	
Manufacturing	35%
Non-Manufacturing	40%
<b>Organizational Size</b>	
1-100	52%
101-500	32%
Over 500	23%

**Percentage of organizations that track FMLA using Access**

	Percent
<b>All Organizations</b>	1%
<b>Industry</b>	
Manufacturing	0%
Non-Manufacturing	0%
<b>Organizational Size</b>	
1-100	0%
101-500	0%
Over 500	0%

**Percentage of organizations that outsource tracking of FMLA to a third party**

	Percent
<b>All Organizations</b>	4%
<b>Industry</b>	
Manufacturing	8%
Non-Manufacturing	2%
<b>Organizational Size</b>	
1-100	0%
101-500	5%
Over 500	15%

**Percentage of organizations that track FMLA using other methods**

	Percent
<b>All Organizations</b>	16%
<b>Industry</b>	
Manufacturing	13%
Non-Manufacturing	19%
<b>Organizational Size</b>	
1-100	9%
101-500	16%
Over 500	31%

**Percentage of organizations that track FMLA using the following systems**

*(Only includes organizations tracking FMLA using other methods)*

	Percent
HRIS Software	29%
Kronos	14%
Other HR Software	43%
Manual	14%

### 3. What method do you use to calculate FMLA?

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**Percentage of organizations that use the following methods to track FMLA**

	Calendar method	Fixed year method	Rolling 12 month period measured forward	Rolling 12 month period measured backwards
<b>All Organizations</b>	7%	0%	34%	59%
<b>Industry</b>				
Manufacturing	7%	0%	33%	61%
Non-Manufacturing	6%	0%	33%	62%
<b>Organizational Size</b>				
1-100	10%	0%	35%	55%
101-500	7%	0%	36%	57%
Over 500	0%	0%	15%	85%

**4. Do you provide training to your supervisors and managers?**

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**Percentage of organizations that provide FMLA training to supervisors and managers**

	Percent
<b>All Organizations</b>	51%
<b>Industry</b>	
Manufacturing	47%
Non-Manufacturing	58%
<b>Organizational Size</b>	
1-100	36%
101-500	53%
Over 500	69%

**5. Do you run FMLA concurrently with other benefits such as Workers Compensation and/or Short Term Disability?**

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**Percentage of organizations that run FMLA concurrently with workers compensation**

	Percent
<b>All Organizations</b>	60%
<b>Industry</b>	
Manufacturing	61%
Non-Manufacturing	64%
<b>Organizational Size</b>	
1-100	55%
101-500	64%
Over 500	85%

**Percentage of organizations that run FMLA concurrently with short term disability**

	Percent
<b>All Organizations</b>	81%
<b>Industry</b>	
Manufacturing	89%
Non-Manufacturing	75%
<b>Organizational Size</b>	
1-100	79%
101-500	85%
Over 500	77%

**Percentage of organizations that run FMLA concurrently with long term disability**

	Percent
<b>All Organizations</b>	31%
<b>Industry</b>	
Manufacturing	31%
Non-Manufacturing	34%
<b>Organizational Size</b>	
1-100	30%
101-500	34%
Over 500	23%

**Percentage of organizations that run FMLA concurrently with unpaid sick days**

	Percent
<b>All Organizations</b>	31%
<b>Industry</b>	
Manufacturing	31%
Non-Manufacturing	32%
<b>Organizational Size</b>	
1-100	36%
101-500	32%
Over 500	23%

**Percentage of organizations that run FMLA concurrently with other paid/unpaid medical leave and require use of this leave**

	Percent
<b>All Organizations</b>	46%
<b>Industry</b>	
Manufacturing	42%
Non-Manufacturing	55%
<b>Organizational Size</b>	
1-100	45%
101-500	50%
Over 500	46%

**Percentage of organizations that do not coordinate FMLA with any other benefits**

	Percent
<b>All Organizations</b>	4%
<b>Industry</b>	
Manufacturing	5%
Non-Manufacturing	4%
<b>Organizational Size</b>	
1-100	12%
101-500	0%
Over 500	8%

**Percentage of organizations that coordinate FMLA with other benefits**

	Percent
<b>All Organizations</b>	9%
<b>Industry</b>	
Manufacturing	13%
Non-Manufacturing	6%
<b>Organizational Size</b>	
1-100	9%
101-500	11%
Over 500	0%

**Percentage of organizations that coordinate FMLA with the following other benefits**  
*(Only includes organizations coordinating FMLA with other benefits)*

	Percent
Vacation	58%
PTO	33%
Salary continuation	8%

**6. Do you allow or require use of paid leave (if available) while on FMLA leave?**

Percentage of organizations that require or allow use of paid leave (if available) while on FMLA

	Require use	Allow use	Not applicable
<b>All Organizations</b>	69%	21%	10%
<b>Industry</b>			
Manufacturing	52%	32%	16%
Non-Manufacturing	83%	13%	4%
<b>Organizational Size</b>			
1-100	67%	21%	12%
101-500	66%	26%	8%
Over 500	77%	0%	23%

**7. In accordance with your organization’s policy, do you normally pay employees out on FMLA leave for a company holiday?**

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Percentage of organizations that normally pay employees out on FMLA leave for a company holiday

	Percent
<b>All Organizations</b>	38%
<b>Industry</b>	
Manufacturing	37%
Non-Manufacturing	38%
<b>Organizational Size</b>	
1-100	32%
101-500	39%
Over 500	42%

**8. Do you have a leave of absence policy that employees can use if they do not qualify for FMLA?**

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Percentage of organizations that have a leave of absence policy that employees can use if they do not qualify for FMLA

	Percent
<b>All Organizations</b>	76%
<b>Industry</b>	
Manufacturing	77%
Non-Manufacturing	72%
<b>Organizational Size</b>	
1-100	76%
101-500	74%
Over 500	77%

**9. How often do you receive complaints from employees who do not want to count their time as FMLA?**

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**Frequency in which organizations receive complaints from employees who do not want to count their time as FMLA**

	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	1%	3%	48%	48%
<b>Industry</b>				
Manufacturing	0%	3%	39%	58%
Non-Manufacturing	0%	4%	58%	38%
<b>Organizational Size</b>				
1-100	3%	6%	42%	48%
101-500	0%	1%	45%	54%
Over 500	0%	8%	77%	15%

## FMLA Certification & Notice

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 the reason given by the employee, however, rarely 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. Additionally, 72% 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. Additionally, 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. Additionally, 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 usually given and required for serious health conditions, catastrophic events, and care of a family member.

### 10. If you outsource your FMLA, does your administrator coordinate with your EAP program?

#### Percentage of organizations that outsource their FMLA and coordinate FMLA with their EAP program

	Yes	No	Do not outsource	Do not have an EAP
<b>All Organizations</b>	2%	2%	92%	5%
<b>Industry</b>				
Manufacturing	3%	3%	90%	3%
Non-Manufacturing	0%	2%	92%	6%
<b>Organizational Size</b>				
1-100	0%	0%	91%	9%
101-500	1%	3%	95%	1%
Over 500	8%	8%	77%	8%

**11. How often does your organization do the following to determine whether an employee’s request for FMLA qualifies as a serious health condition?**

Frequency in which organizations request medical certification/documentation and verify reason given by employee

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	88%	9%	1%	1%	2%
<b>Industry</b>					
Manufacturing	93%	3%	0%	0%	3%
Non-Manufacturing	85%	12%	2%	2%	0%
<b>Organizational Size</b>					
1-100	81%	13%	0%	3%	3%
101-500	92%	5%	1%	0%	1%
Over 500	100%	0%	0%	0%	0%

Frequency in which organizations directly contact employees’ health care providers during the certification process

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	5%	2%	5%	56%	32%
<b>Industry</b>					
Manufacturing	7%	2%	7%	51%	34%
Non-Manufacturing	4%	2%	4%	62%	29%
<b>Organizational Size</b>					
1-100	3%	3%	6%	42%	45%
101-500	3%	1%	5%	59%	31%
Over 500	17%	0%	0%	75%	8%

**Frequency in which organizations use a nurse case manager or clinical resource to review FMLA certifications**

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	4%	1%	0%	7%	89%
<b>Industry</b>					
Manufacturing	3%	2%	0%	3%	92%
Non-Manufacturing	4%	0%	0%	8%	88%
<b>Organizational Size</b>					
1-100	0%	0%	0%	13%	87%
101-500	1%	1%	0%	4%	93%
Over 500	27%	0%	0%	9%	64%

**Frequency in which organizations request a second or third medical opinion before granting FMLA leave**

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	0%	0%	0%	25%	75%
<b>Industry</b>					
Manufacturing	0%	0%	0%	23%	77%
Non-Manufacturing	0%	0%	0%	25%	75%
<b>Organizational Size</b>					
1-100	0%	0%	0%	32%	68%
101-500	0%	0%	0%	22%	78%
Over 500	0%	0%	0%	18%	82%

**Frequency in which organizations use supervisors' judgment or knowledge of the reason for leave**

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	2%	2%	2%	26%	69%
<b>Industry</b>					
Manufacturing	2%	2%	0%	28%	68%
Non-Manufacturing	2%	2%	4%	27%	65%
<b>Organizational Size</b>					
1-100	3%	3%	3%	26%	65%
101-500	1%	1%	1%	27%	68%
Over 500	0%	0%	0%	9%	91%

**Frequency in which organizations use HR's judgment and/or knowledge of the reason for leave**

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	27%	12%	2%	22%	37%
<b>Industry</b>					
Manufacturing	26%	13%	2%	21%	38%
Non-Manufacturing	25%	14%	4%	24%	33%
<b>Organizational Size</b>					
1-100	32%	19%	3%	19%	26%
101-500	28%	11%	3%	23%	35%
Over 500	9%	0%	0%	18%	73%

**Frequency in which organizations accept employees' verbal/written reason for requesting leave and approve the request under the FMLA**

	Always	Most of the time	Half of the time	Sometimes	Never
<b>All Organizations</b>	4%	7%	2%	15%	72%
<b>Industry</b>					
Manufacturing	3%	5%	2%	16%	74%
Non-Manufacturing	6%	12%	2%	14%	67%
<b>Organizational Size</b>					
1-100	6%	10%	3%	19%	61%
101-500	3%	7%	1%	14%	76%
Over 500	9%	0%	0%	9%	82%

**12. Does your organization require fitness for duty certification?**

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**Percentage of organizations that require fitness for duty certification**

	Percent
<b>All Organizations</b>	84%
<b>Industry</b>	
Manufacturing	84%
Non-Manufacturing	85%
<b>Organizational Size</b>	
1-100	84%
101-500	81%
Over 500	92%

**13. How often do you require recertification or updated medical documentation of long-term, chronic serious health conditions?**

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**Percentage of organizations that require recertification or updated medical documentation only when notified of a change in condition or treatment**

	Percent
<b>All Organizations</b>	19%
<b>Industry</b>	
Manufacturing	20%
Non-Manufacturing	19%
<b>Organizational Size</b>	
1-100	39%
101-500	16%
Over 500	0%

**Percentage of organizations that require recertification or updated medical documentation only if an employee exceeds approved frequency or duration**

	Percent
<b>All Organizations</b>	41%
<b>Industry</b>	
Manufacturing	33%
Non-Manufacturing	48%
<b>Organizational Size</b>	
1-100	39%
101-500	41%
Over 500	46%

**Percentage of organizations that require recertification or updated medical documentation every 6 months in conjunction with absence**

	Percent
<b>All Organizations</b>	17%
<b>Industry</b>	
Manufacturing	21%
Non-Manufacturing	15%
<b>Organizational Size</b>	
1-100	3%
101-500	16%
Over 500	46%

**Percentage of organizations that require recertification or updated medical documentation annually**

	Percent
<b>All Organizations</b>	19%
<b>Industry</b>	
Manufacturing	25%
Non-Manufacturing	10%
<b>Organizational Size</b>	
1-100	10%
101-500	23%
Over 500	8%

**Percentage of organizations that never require recertification or updated medical documentation**

	Percent
<b>All Organizations</b>	4%
<b>Industry</b>	
Manufacturing	2%
Non-Manufacturing	8%
<b>Organizational Size</b>	
1-100	10%
101-500	3%
Over 500	0%

**14. What is the most common amount of notice given for use of intermittent FMLA leave?**

Percentage of organizations reporting the following amounts of notice for use of intermittent FMLA leave

	One day prior	Day of absence before shift begins	During work shift	One day following absence	Other
<b>All Organizations</b>	30%	36%	3%	6%	26%
<b>Industry</b>					
Manufacturing	30%	42%	5%	8%	15%
Non-Manufacturing	29%	33%	2%	2%	33%
<b>Organizational Size</b>					
1-100	39%	26%	0%	6%	29%
101-500	32%	36%	6%	4%	22%
Over 500	0%	73%	0%	9%	18%

**Other amounts of notice cited by organizations**

*(Only includes organizations that cited "other" amount of notice)*

	ASAP	Less than 1 week	1-2 weeks	More than 2 weeks	Varies	Not applicable
<b>All Organizations</b>	13%	16%	10%	10%	29%	23%
<b>Industry</b>						
Manufacturing	11%	11%	11%	0%	44%	22%
Non-Manufacturing	18%	18%	12%	12%	12%	29%
<b>Organizational Size</b>						
1-100	22%	11%	0%	0%	22%	44%
101-500	13%	13%	13%	13%	38%	13%
Over 500	0%	50%	50%	0%	0%	0%

**15. What is the average and required amount of advanced notice that employees give before taking FMLA leave (in days) for the following conditions?**

**Required and average days notice for pregnancy/maternity leave**

	Average # of required days notice	Average # of days notice
<b>All Organizations</b>	18	45
<b>Industry</b>		
Manufacturing	12	38
Non-Manufacturing	22	56
<b>Organizational Size</b>		
1-100	14	34
101-500	18	48
Over 500	24	77

**Percentage of organizations reporting the following number of required and average days notice for pregnancy/maternity leave**

Required number of days	Percent	Average number of days	Percent
0 days	46%	0 days	34%
1 day	2%	1 day	1%
2 days	1%	5 days	1%
14 days	1%	7 days	1%
15 days	1%	10 days	1%
20 days	1%	14 days	3%
30 days	43%	15 days	1%
45 days	1%	30 days	22%
60 days	1%	38 days	1%
90 days	2%	45 days	1%
180 days	1%	60 days	8%
		75 days	1%
		90 days	10%
		120 days	4%
		150 days	1%
		180 days	7%

Required number of days	Percent	Average number of days	Percent
		200 days	1%
		210 days	1%

*\*Industry and size breakouts not reported due to quantity of data and no significant differences*

**Required and average days notice for a serious health condition (acute)**

	Average # of required days notice	Average # of days notice
<b>All Organizations</b>	8	5
<b>Industry</b>		
Manufacturing	5	3
Non-Manufacturing	11	6
<b>Organizational Size</b>		
1-100	7	4
101-500	9	5
Over 500	6	5

**Percentage of organizations reporting the following number of required and average days notice for a serious health condition (acute)**

Required number of days	Percent	Average number of days	Percent
0 days	60%	0 days	54%
1 day	4%	1 day	8%
2 days	2%	2 days	2%
3 days	1%	3 days	3%
5 days	1%	5 days	8%
7 days	1%	7 days	8%
10 days	2%	10 days	1%
14 days	3%	14 days	3%
15 days	1%	15 days	2%
20 days	1%	18 days	1%
30 days	22%	19 days	1%
		20 days	1%
		30 days	6%
		60 days	1%

**Required and average days notice for a serious health condition (chronic)**

	Average # of required days notice	Average # of days notice
<b>All Organizations</b>	10	7
<b>Industry</b>		
Manufacturing	6	5
Non-Manufacturing	14	10
<b>Organizational Size</b>		
1-100	8	8
101-500	9	7
Over 500	17	9

**Percentage of organizations reporting the following number of required and average days notice for a serious health condition (chronic)**

Required number of days	Percent	Average number of days	Percent
0 days	56%	0 days	53%
1 day	2%	1 day	7%
2 days	1%	2 days	1%
5 days	2%	3 days	1%
7 days	1%	5 days	5%
10 days	2%	6 days	1%
14 days	3%	7 days	9%
15 days	2%	10 days	2%
20 days	1%	14 days	5%
30 days	28%	15 days	1%
45 days	1%	18 days	1%
		20 days	1%
		30 days	10%
		60 days	1%
		90 days	1%

*\*Industry and size breakouts not reported due to quantity of data and no significant differences*

**Required and average days notice for a catastrophic event**

	Average # of required days notice	Average # of days notice
<b>All Organizations</b>	3	0
<b>Industry</b>		
Manufacturing	3	0
Non-Manufacturing	2	0
<b>Organizational Size</b>		
1-100	2	0
101-500	2	0
Over 500	3	0

**Percentage of organizations reporting the following number of required and average days notice for a catastrophic event**

Required number of days	Percent	Average number of days	Percent
0 days	84%	0 days	82%
1 day	6%	1 day	16%
2 days	1%	3 days	1%
5 days	1%	5 days	1%
20 days	1%	7 days	1%
30 days	7%		

*\*Industry and size breakouts not reported due to quantity of data and no significant differences*

**Required and average days notice for care of a family member**

	Average # of required days notice	Average # of days notice
<b>All Organizations</b>	10	6
<b>Industry</b>		
Manufacturing	7	5
Non-Manufacturing	15	8
<b>Organizational Size</b>		
1-100	8	4
101-500	10	6
Over 500	14	11

**Percentage of organizations reporting the following number of required and average days notice for care for a family member**

Required number of days	Percent	Average number of days	Percent
0 days	57%	0 days	48%
1 day	3%	1 day	9%
2 days	1%	3 days	2%
5 days	2%	5 days	12%
10 days	2%	7 days	8%
14 days	4%	10 days	1%
15 days	2%	14 days	5%
20 days	1%	15 days	3%
30 days	28%	18 days	1%
		20 days	1%
		22 days	1%
		30 days	8%
		35 days	1%

*\*Industry and size breakouts not reported due to quantity of data and no significant differences*

## FMLA Usage

Most employers surveyed report that on average, 1-10% of employees took FMLA leave in the last 12 months. Twenty-four percent (on average) of total FMLA leave 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 majority of respondents (69%) indicated that they denied no FMLA claims in the last 12 months with 26% denying 10% or fewer claims.

Employers vary in their administration of intermittent FMLA. 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%). In addition, 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.

### 16. What percentage of your employees took FMLA leave in the last 12 months?

#### Percentage of employees that took FMLA leave in the last 12 months

	0%	1-10%	11-20%	21-28%	29-40%	More than 40%	Do not track
<b>All Organizations</b>	2%	71%	17%	2%	1%	2%	5%
<b>Industry</b>							
Manufacturing	3%	73%	18%	2%	0%	2%	3%
Non-Manufacturing	2%	72%	15%	4%	0%	0%	8%
<b>Organizational Size</b>							
1-100	9%	76%	12%	0%	0%	3%	0%
101-500	0%	73%	18%	3%	0%	1%	5%
Over 500	0%	62%	23%	0%	0%	0%	15%

**17. What percentage of FMLA claims have you denied in the last 12 months?**

**Percentage of FMLA claims denied in the last 12 months**

	0%	1-10%	11-20%	21-28%	29-40%	More than 40%	Do not track
<b>All Organizations</b>	69%	26%	1%	0%	0%	1%	4%
<b>Industry</b>							
Manufacturing	74%	21%	0%	0%	0%	2%	3%
Non-Manufacturing	62%	32%	0%	0%	0%	0%	6%
<b>Organizational Size</b>							
1-100	82%	15%	0%	0%	0%	0%	3%
101-500	73%	24%	0%	0%	0%	0%	3%
Over 500	23%	54%	0%	0%	0%	8%	15%

**18. What percentage (approximate) of total FMLA leave absences were due to these conditions?**

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**Average percentage of FMLA leave absences due to pregnancy/maternity leave**

	Average
<b>All Organizations</b>	24%
<b>Industry</b>	
Manufacturing	13%
Non-Manufacturing	40%
<b>Organizational Size</b>	
1-100	24%
101-500	24%
Over 500	32%

**Percentage of FMLA leave absences due to pregnancy/maternity leave**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	19%	36%	7%	9%	6%	24%
<b>Industry</b>						
Manufacturing	33%	41%	4%	8%	2%	12%
Non-Manufacturing	5%	26%	9%	9%	9%	42%
<b>Organizational Size</b>						
1-100	35%	26%	9%	4%	4%	22%
101-500	17%	36%	8%	9%	5%	25%
Over 500	0%	50%	0%	10%	10%	30%

**Average percentage of FMLA leave absences due to serious health condition (acute)**

	Average
<b>All Organizations</b>	23%
<b>Industry</b>	
Manufacturing	22%
Non-Manufacturing	22%
<b>Organizational Size</b>	
1-100	27%
101-500	21%
Over 500	24%

**Percentage of FMLA leave absences due to serious health condition (acute)**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	5%	44%	10%	16%	8%	18%
<b>Industry</b>						
Manufacturing	6%	49%	8%	11%	6%	21%
Non-Manufacturing	5%	35%	14%	21%	12%	14%
<b>Organizational Size</b>						
1-100	7%	39%	0%	14%	11%	29%
101-500	5%	47%	11%	16%	6%	15%
Over 500	0%	30%	30%	10%	10%	20%

**Average percentage of FMLA leave absences due to serious health condition (chronic)**

	Average
<b>All Organizations</b>	19%
<b>Industry</b>	
Manufacturing	23%
Non-Manufacturing	16%
<b>Organizational Size</b>	
1-100	15%
101-500	21%
Over 500	21%

**Percentage of FMLA leave absences due to serious health condition (chronic)**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	8%	41%	13%	14%	10%	12%
<b>Industry</b>						
Manufacturing	8%	38%	11%	15%	9%	19%
Non-Manufacturing	11%	39%	18%	13%	13%	5%
<b>Organizational Size</b>						
1-100	26%	32%	5%	11%	16%	11%
101-500	5%	43%	15%	15%	8%	14%
Over 500	0%	33%	22%	11%	22%	11%

**Average percentage of FMLA leave absences due to catastrophic event**

	Average
<b>All Organizations</b>	6%
<b>Industry</b>	
Manufacturing	5%
Non-Manufacturing	5%
<b>Organizational Size</b>	
1-100	4%
101-500	6%
Over 500	4%

**Percentage of FMLA leave absences due to catastrophic event**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	49%	40%	6%	1%	0%	3%
<b>Industry</b>						
Manufacturing	58%	34%	5%	0%	0%	3%
Non-Manufacturing	38%	50%	8%	0%	0%	4%
<b>Organizational Size</b>						
1-100	79%	14%	0%	0%	0%	7%
101-500	49%	41%	7%	0%	0%	2%
Over 500	22%	67%	11%	0%	0%	0%

**Average percentage of FMLA leave absences due to care of a family member**

	Average
<b>All Organizations</b>	13%
<b>Industry</b>	
Manufacturing	13%
Non-Manufacturing	14%
<b>Organizational Size</b>	
1-100	12%
101-500	14%
Over 500	12%

**Percentage of FMLA leave absences due to care of a family member**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	14%	48%	15%	11%	6%	6%
<b>Industry</b>						
Manufacturing	16%	48%	16%	10%	2%	8%
Non-Manufacturing	12%	45%	15%	12%	12%	3%
<b>Organizational Size</b>						
1-100	44%	25%	0%	13%	13%	6%
101-500	9%	50%	21%	9%	5%	7%
Over 500	0%	70%	10%	20%	0%	0%

**19. What is the minimum increment that employees can take FMLA (in minutes)?**

**Average minimum increment that employees can take FMLA (in minutes)**

	Average
<b>All Organizations</b>	48
<b>Industry</b>	
Manufacturing	45
Non-Manufacturing	49
<b>Organizational Size</b>	
1-100	71
101-500	42
Over 500	22

**Number of minutes in which employees can take FMLA**

	5 minutes or less	10 minutes or less	15 minutes	30 minutes	60 minutes	240 minutes	360 minutes
<b>All Organizations</b>	12%	6%	31%	15%	28%	7%	1%
<b>Industry</b>							
Manufacturing	13%	7%	26%	17%	30%	7%	0%
Non-Manufacturing	11%	2%	40%	13%	24%	7%	2%
<b>Organizational Size</b>							
1-100	16%	0%	20%	16%	32%	12%	4%
101-500	11%	6%	35%	14%	29%	6%	0%
Over 500	17%	8%	42%	17%	17%	0%	0%

**20. Of intermittent absences which occur less than one full workday, for serious health conditions what is the approximate average duration of each episode (in hours)?**

**Average duration of episodes (in hours) which occur less than one full workday, for serious health conditions**

	Average
<b>All Organizations</b>	3
<b>Industry</b>	
Manufacturing	4
Non-Manufacturing	3
<b>Organizational Size</b>	
1-100	3
101-500	3
Over 500	4

**Duration of episodes (number of hours)**

	1 hour or less	2 hours	3 hours	4 hours	5-7 hours	8 hours
<b>All Organizations</b>	12%	16%	6%	57%	4%	4%
<b>Industry</b>						
Manufacturing	11%	18%	0%	58%	7%	7%
Non-Manufacturing	13%	13%	13%	58%	0%	3%
<b>Organizational Size</b>						
1-100	5%	21%	11%	63%	0%	0%
101-500	15%	18%	4%	56%	4%	4%
Over 500	18%	0%	9%	55%	9%	9%

## 21. For shift-workers that use intermittent leave, do you allow employees to rejoin mid-shift or take an entire shift as leave?

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Percentage of organizations that allow employees to rejoin mid-shift or require entire shift as leave

	Rejoin mid-shift	Require entire shift as leave	Varies
<b>All Organizations</b>	78%	6%	15%
<b>Industry</b>			
Manufacturing	81%	9%	9%
Non-Manufacturing	76%	3%	22%
<b>Organizational Size</b>			
1-100	85%	12%	4%
101-500	79%	4%	18%
Over 500	64%	9%	27%

**22. Of those employees who took FMLA in the past year, what percent exhausted their allotment?**

**Average percent of employees who took FMLA in the past year who exhausted their allotment**

	Average
<b>All Organizations</b>	23%
<b>Industry</b>	
Manufacturing	19%
Non-Manufacturing	28%
<b>Organizational Size</b>	
1-100	23%
101-500	23%
Over 500	15%

**Percent of employees who took FMLA in the past year who exhausted their allotment**

	0%	1-10%	11-20%	21-30%	31-40%	More than 40%
<b>All Organizations</b>	18%	42%	10%	4%	3%	24%
<b>Industry</b>						
Manufacturing	15%	53%	10%	3%	2%	17%
Non-Manufacturing	17%	30%	11%	7%	2%	33%
<b>Organizational Size</b>						
1-100	31%	24%	7%	7%	3%	28%
101-500	16%	46%	9%	3%	3%	23%
Over 500	0%	64%	27%	0%	0%	9%

## 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.

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. Additionally, not all employers are confident that they are capturing situations that should be considered FMLA. Fifty-six percent of organizations believe they are capturing all the situations at their organizations which should be designated as FMLA.

### 23. Do you believe you are capturing all the situations at your company which should be designated as FMLA?

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**Percentage of organizations who believe they are capturing all situations at their organization which should be designated as FMLA**

	Percent
<b>All Organizations</b>	56%
<b>Industry</b>	
Manufacturing	58%
Non-Manufacturing	53%
<b>Organizational Size</b>	
1-100	73%
101-500	51%
Over 500	31%

**24. What is your biggest challenge with FMLA?**

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**Percentage of organizations whose biggest challenge with FMLA is meeting paperwork timeframes designated by DOL**

	Percent
<b>All Organizations</b>	11%
<b>Industry</b>	
Manufacturing	15%
Non-Manufacturing	8%
<b>Organizational Size</b>	
1-100	13%
101-500	8%
Over 500	15%

**Percentage of organizations whose biggest challenge with FMLA is tracking**

	Percent
<b>All Organizations</b>	28%
<b>Industry</b>	
Manufacturing	25%
Non-Manufacturing	27%
<b>Organizational Size</b>	
1-100	23%
101-500	32%
Over 500	23%

**Percentage of organizations whose biggest challenge with FMLA is determining the overall costs associated with FMLA absences**

	Percent
<b>All Organizations</b>	23%
<b>Industry</b>	
Manufacturing	21%
Non-Manufacturing	24%
<b>Organizational Size</b>	
1-100	19%
101-500	25%
Over 500	15%

**Percentage of organizations whose biggest challenge with FMLA is determining what constitutes a serious health condition**

	Percent
<b>All Organizations</b>	16%
<b>Industry</b>	
Manufacturing	16%
Non-Manufacturing	16%
<b>Organizational Size</b>	
1-100	19%
101-500	15%
Over 500	15%

**Percentage of organizations whose biggest challenge with FMLA is overall compliance**

	Percent
<b>All Organizations</b>	23%
<b>Industry</b>	
Manufacturing	23%
Non-Manufacturing	25%
<b>Organizational Size</b>	
1-100	26%
101-500	21%
Over 500	31%

**25. How satisfied are you with your current administration process?**

---

Percentage of organizations that are satisfied with their current FMLA administration process

	Very satisfied	Satisfied	Somewhat satisfied	Unsatisfied	Very unsatisfied
<b>All Organizations</b>	12%	40%	38%	10%	1%
<b>Industry</b>					
Manufacturing	11%	39%	44%	3%	2%
Non-Manufacturing	9%	42%	30%	19%	0%
<b>Organizational Size</b>					
1-100	16%	31%	44%	9%	0%
101-500	11%	43%	35%	9%	1%
Over 500	8%	38%	46%	8%	0%

**26. Would your company consider outsourcing the administration of FMLA if it would save your company money/lower your bottom line?**

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Percentage of organizations who would consider outsourcing the administration of FMLA if it would save their organization money/lower their bottom line

	Percent
<b>All Organizations</b>	40%
<b>Industry</b>	
Manufacturing	39%
Non-Manufacturing	45%
<b>Organizational Size</b>	
1-100	32%
101-500	41%
Over 500	45%

## Respondent Demographics

Below is a breakdown of the industries and sizes that respondents represent.

	Percent
<b>Industry</b>	
Manufacturing	54%
Non-Manufacturing	46%
Airline	0%
Education	2%
Energy/Utility	0%
Entertainment	0%
Financial Services	5%
Food Industry	1%
Government	4%
Healthcare (Non-Hospital)	12%
Hospital	2%
Media	1%
Nursing Home	0%
Retail	1%
Service	14%
Technology	4%
Transportation	1%
<b>Organizational Size</b>	
1-100	28%
101-500	62%
Over 500	11%

## **2011 ERC/CareWorks FMLA Practices Survey**

Conducted by ERC

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