

Employer focused newsletter keeping you updated on all things OMNI.

OMNI Compliance Administration - **ONE** Source **ONE** Secure Portal A look at the **Family and Medical Leave Act (FMLA)**



ACA



FMLA



COBRA



403(B)



457(B)

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that group health benefits be maintained during the leave. FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women. Employers should also be aware that each state and numerous local municipalities have leave of absence laws that should be taken in to account when administering employee leaves of absence.

To Whom Does FMLA Apply?

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee up to 12 weeks of unpaid leave each year for any of the following reasons:

- Birth and care of the newborn child of an employee
- Placement with the employee of a child for adoption or foster care
- Caring for an immediate family member (spouse, child, or parent) with a serious health condition
- Taking medical leave when the employee is unable to work because of a serious health condition

Notice

Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Covered employers Must:

- Post a notice explaining rights and responsibilities under the FMLA (may be subject to a civil money penalty of up to \$110 for willful failure to post);
- Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
- When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning his or her eligibility for FMLA leave and his or her rights and responsibilities under the FMLA; and
- Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.



Enforcement

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. An employer may not discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If an employee believes that his or her rights under the FMLA have been violated, he or she may file a complaint with the Wage and Hour Division or file a private lawsuit against the employer in court.

Job Restriction and Health Benefits

Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.

Limits While On FMLA Leave

The employee may have to follow the employer's policies on outside employment, but the employer cannot otherwise restrict the employee's actions during leave. This will not apply, however, if the original reason for the leave no longer exists, if the employee failed to provide medical certification or if he or she lied about the reasons for the leave.

Can an Employer Refuse a Leave Request

If the employer is covered by FMLA and the employee is an eligible employee under the statute, then the employer cannot deny the leave request as long as it complies with FMLA's notice and certification requirements and the employee has not already exhausted his or her leave for the relevant 12-month period.



EMPLOYEE SPOTLIGHT



Ashlee Bruton Remittance Specialist

How long have you been at OMNI?

I have been employed by OMNI for 6.5 Years.

What are your main job functions?

I am a main contact in the Remittance Department for about 200 organizations. I process payroll files, repair any problems, and answer any IRS questions anyone may have. I focus on keeping my clients in compliance with the IRS regulations.

What is your favorite part about your job?

I enjoy talking to participants from all over the country and getting to know my contacts on a professional level. When not at work I enjoy spending time with my two kids and husband. During the warmer months we visit different parks and find fun places to hike.

What is something every employer should know about OMNI's services?

OMNI prides themselves with keeping organizations in compliance with the IRS regulations in an event of an audit. OMNI offers a handful of tools, such as delivering the Universal Availability by email to all employees, to ensure audit guidelines are met.

What are your retirement dreams?

Travel more with my family and explore all aspects of the world.

“Ashlee is a true asset to OMNI and our clients. As the Remittance Specialist for some of our largest clients, she goes above and beyond to provide the best quality of customer service possible. Ashlee is a pleasure to work with and we are proud to have her as part of our team!”
 Scott Klotzbach
 Director of Remittance

District name here

Dedicated Specialists



Name
 Compliance Specialist
 Ext. XXX



Name
 Remittance Specialist
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