

Payrollnews

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DMPS Helps You Understand the FMLA Basics

At Data Management Payroll Services, we keep our clients and their HR professionals informed and prepared. When you receive a request from an employee for leave under the Family and Medical Leave Act (FMLA), you have to be ready.

Here's what you can do now to make sure your company's

FMLA policy stands up in a court of law. Understanding the responsibilities of the employer, and obligations of the employee, can make the process of complying with the FMLA much easier.

Written Notice of FMLA Rights & Responsibilities must be given to the employee when family or medical leave is first requested. Employees taking periodic

(intermittent) leave to take their son to therapy sessions, or leave for migraine headaches are both covered under the FMLA.

Be sure to include a notice, to be signed, that the employee understands that if, at any time, they feel they can return to work earlier than anticipated or projected, they must immediately contact the leave administrator, the human resources manager, another health care provider, or a member of management.

Carefully outline the consequences and discipline employees may face for violation of company and FMLA policies. Courts are more likely to get behind your discipline and/or termination if you can show the action taken was confirmed and substantiated.

Legally verify employee's FMLA requests with a request for medical certification. Certification should include the health care provider's contact information, the date the serious health condition began, and appropriate medical facts about the condition.

Ask the doctor if the employee's actions are consistent with the medical condition, and if the employee is unable/able to perform the essential functions of the job. Additionally, will he/she be able to work and/or seek treatment during this time period?

Family and Medical Leave Act – FMLA

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health coverage under the same terms and conditions as if the employee had not taken leave.

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member or "covered active duty;" or

Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Source: Department of Labor Wage and Hour Division

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HOT WEB CLICKS FOR HR PROS

PAYDAYS IN YOUR STATE

Did you know that each state has payday frequency requirements for certain employers? In Michigan, the frequency of payday depends on the occupation. Click here for the Wage & Hour Division's current State Payday Requirements.

www.dol.gov/whd/state/payday.htm

THE DOL MISCLASSIFICATION INITIATIVE

The DOL is cracking down on employers misclassifying employees as independent contractors. Losses to fed and state governments by means of lowered tax revenues, and decreasing state unemployment and workers' comp funds, have the DOL and the IRS working together. With the help of 29 states, in Fiscal Year 2015, investigations resulted in \$74 million in back wages for in excess of 102,000 workers.


www.dol.gov/whd/workers/Misclassification

FMLA Basics...

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You must notify the employee each time a certification is required. Employees must provide "complete and sufficient" medical certification, generally within 15 calendar days of the employer's request.

You can fire an employee for FMLA abuse. If you suspect FMLA abuse, or annually if the leave extends into another calendar year, you can request re-certification, at a later date, if there is a question of the appropriateness of the leave or its duration.

At **Data Management Payroll Services**, we keep our clients informed! Be sure to click on the links below for more information. Check out our full list of payroll processing services and sign up today – we're here to help! 

Sources: www.dol.gov/whd/fmla, www.dol.gov/whd/regs/compliance/whdfs28a.pdf, www.dol.gov/whd/regs/compliance/whdfs28g.pdf, and www.fmlainsights.com **FMLA Insights, Guidance and Solutions for Employers.**

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