

# Q&A

## Legal Compliance



Courtesy of Zywave Broker

### Q

**What notices must employers provide to employees regarding the FMLA?**

### A

Employers must provide employees with the following notices regarding the FMLA:

- General Notice
- Eligibility Notice
- Rights and Responsibilities Notice
- Designation Notice

Each notice is explained briefly in the following paragraphs.

#### **General Notice**

Employers covered by the FMLA must prominently post a general FMLA notice where it can be readily seen by employees and applicants. The general notice explains an employee's rights and responsibilities under the FMLA. The Department of Labor (DOL) provides a model general notice for employers to use.

Covered employers must post this general notice even if no employees are eligible for FMLA leave. Covered employers that have eligible employees must also provide this notice to each employee by including it in any written guidance given to employees or by distributing a copy to each new employee upon hire.

#### **Eligibility Notice**

When an employee requests FMLA leave, or when the employer learns that an employee's leave may be for an FMLA-qualified reason, the employer must notify the employee of his or her eligibility to take FMLA leave within **five business days**, absent extenuating circumstances. The DOL provides a sample eligibility notice for employers to use.

#### **Rights and Responsibilities Notice**

Each time the eligibility notice is provided, the employer must also provide a written notice detailing the employee's specific expectations and explaining any consequences of failing to meet these obligations. The DOL provides a sample rights and responsibilities notice for employers to use. This notice is often combined with the eligibility notice.

If the information provided by the rights and responsibilities notice changes, the employer must notify the employee of the change.



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## Designation Notice

The employer is responsible for designating whether a leave qualifies as an FMLA-protected leave and for giving written notice to the employee within **five business days** of receiving sufficient information to make the determination. The DOL provides a sample designation notice for employers to use.

If the information provided in the designation notice changes, the employer must notify the employee.

If the leave is not designated as an FMLA-protected leave, the notice given to the employee explaining this may be in the form of a simple written statement.