

FMLA Medical Certifications

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave in a designated 12-month leave period for specified family and medical reasons. These reasons include a serious health condition of the employee or the employee's spouse, child, or parent. A medical certification issued by a health care provider may be requested by the employer for FMLA leave based upon such a serious health condition. The purpose of the medical certification is to allow employers to obtain information from a health care provider to verify that an employee, or the employee's ill family member, has a serious health condition, the date of onset and likely duration of the condition, facts concerning any need for reduced work schedule/intermittent leave, whether the employee can perform work of any kind or is unable to perform one or more of the essentials of the job, and general information regarding the regimen of treatment.

When requested, medical certification is a basic qualification for FMLA leave for a serious health condition, and the employee is responsible for providing such certification to his or her employer. The employer must allow the employee at least 15 calendar days to obtain the medical certification. If an employee fails to submit a requested certification, the leave is not FMLA-protected leave.

An employer may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The employer may choose the health care provider for the second opinion, except that in most cases the employer may not regularly contract with or otherwise regularly use the services of the health care provider. If the opinions of the two health care providers differ, the employer may require the employee to obtain certification from a third health care provider, again at the employer's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the employer and the employee.

Subsequent re-certification of the same serious health condition may be requested on a reasonable basis, but not more often than every 30 days, unless the employee requests an extension of leave for herself/ himself, circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications), or the employer receives information that casts doubt upon the continuing validity of the certification (e.g., a pattern of Friday/Monday absences).