

# Help boomers use FMLA accurately for elder care leave

As your baby boomer employees watch their parents enter their 80s and 90s, more of them are taking time off to care for those aging parents.

In fact, the percentage of FMLA leave taken for elder care issues jumped dramatically just in the past year (see *box below*).

The FMLA allows unpaid leave and job protection for employees who take time off for their own "serious health condition" or to care for immediate family members with a serious condition.

*The problem:* More than 60 percent of employers believe they've granted FMLA time off that was unfounded, according to a Society for Human Resource Management survey. That spells unwarranted absenteeism, which can disrupt work flow.

Your organization can minimize the potential for FMLA misuse and abuse by ensuring that supervisors, HR staff and all employees understand the basics of FMLA leave. The right training can support your employees' needs while reducing the number (and duration) of absences.

When an employee requests FMLA leave to care for an elderly relative:

**1. Know who qualifies as "family."** Benefits managers routinely field questions about whether FMLA applies to the care of legal guardians, grandparents or a domestic partner's parents. The federal law doesn't allow leave for those relatives; it specifically applies to the employee and his or her spouse, children and parents.

Some state laws, however, have broadened the definition of family. California and Connecticut, for example, protect employees who care for domestic partners and parents-in-law.

**2. Understand what qualifies as a "serious health condition."** That's easier said than done. The act's definition of "serious health condition" is broad and can be confusing.

For an employee to be eligible for FMLA leave, his or her parent must have been suffering from an ailment (physical or mental) "that requires inpatient medical care or continuing treatment from a health care provider."

**3. Consistently use medical certification forms.** That way, you can have both the employee and the doctor clearly describe the nature of the parent's health condition and increase the likelihood that it is legitimate.

Use the medical certification form provided by the U.S. Labor Department or a similar form. (Download it at [www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf](http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf).)

Track when you issue the form and note when the employee returns it. The law says you must give employees at least 15 days to complete and return the form. A common mistake: Managers lose track of these deadlines and fail to collect the completed paperwork.

# FMLA leave for elder care

*Percentage of FMLA leave requests involving elder care issues:*

2003    16%

2004    18%

2005    21%

**2006    36%**

*Source:* ComPsych