



Designation of FMLA and KCFML

This guideline outlines the responsibility of King County to designate federal Family and Medical Leave Act (FMLA) and the King County Family and Medical Leave Ordinance (KCFML).

It is the overall responsibility of King County, not the employee, to properly designate family and medical leaves of absence (FMLA/KCFML). Absent extenuating circumstances, the supervisor or the agency human resource representative must notify the employee as soon as practicable (i.e., five business days) concerning their eligibility by verifying the basic eligibility rules and assigning family or medical leave. Employee entitlement and eligibility is based upon a number of factors and must be accurately determined to provide the employee with all protected rights and privileges.

The employee must submit their completed Protected Family and Medical Leave Request Form to their supervisor or human resource representative. The agency human resource representative or designee then responds to the employee's request by completing the Protected Family and Medical Leave Request Response Form. When applicable, KCFML ordinance applies.

Once the employee returns the Protected Family and Medical Leave Medical Certification form verifying the eligible family member or employee's eligible condition (usually within 15 days of first request), the family or medical leave will be fully approved. If the employee does not submit a completed Protected Family and Medical Leave Medical Certification the employer may cancel the approved leave until such medical certification form is received. In general, a second notice would be sent to the employee and an additional reasonable period of time would be given to submit the required medical certification form (suggested 3-5 business days).

The King County Protected Family and Medical Leave Request Form combines the eligibility notice, rights and responsibilities notice and designation notice into one document.

Summary

1. Employer is responsible for designating FMLA/KCFML.
2. Designation is usually given to the employee within five (5) business days after the employee request, absent extenuating circumstances.
3. Full approval of FMLA/KCFML leave is subject to receipt of a completed and eligible medical certification.

Referenced Laws

29 CFR 825.110(d); 29 CFR 825.305; 29 CFR 825.208(b)(1),(2); 29 CFR 825.300(b); King County Ordinance #18191; KCC 3.12.220(L)