

## FMLA and State Leave of Absence Toolkit

**(note: this Toolkit includes state leave absence requirements for Illinois, Iowa, Minnesota and Wisconsin. Please check applicable laws for other states in which you may have employees)**

This toolkit is designed to help you administer family and medical leaves, providing the essential employee memos, applications for leave, required federal notices, and a leave tracking Excel spreadsheet.

### ***Does the law apply to your organization?***

Federal FMLA	Employers of 50 or more employees in at least 20 weeks of current or preceding year
Wisconsin FMLA	Employers of at least 50 permanent employees during at least 6 of the preceding 12 calendar months (need not all be employed in Wisconsin)

### ***Is the employee covered?***

Federal FMLA	Has worked for the employer for a total of 12 months which need not need to be continuous. The Department of Labor suggests a look-back period of seven (7) years. Has worked a total of 1,250 hours in the 12-month period immediately preceding the start of the leave. Employee is employed at a worksite with 50 or more employees within a 75-mile radius.
Wisconsin FMLA	Employee has at least 1,000 hours of work and paid leave for employer in the preceding 52 weeks and employee worked for employer for at least 52 consecutive weeks

### **Related Compliance Posters**

- **Employee Rights and Responsibilities Under the Family & Medical Leave Act Poster (Federal)**  
Required of employers with 50 or more employees in 20 or more work weeks. Where an employer's workforce is not proficient in English, the employer must provide the notice in the language the employee speaks. The poster must be displayed in a conspicuous place where employees and applicants for employment can see it. A poster must be displayed at all locations even if there are no eligible employees.
- **Family and Medical Leave Law Poster (Wisconsin)**  
Required of employers having 50 or more employees. Employers with 25 to 50 employees are required to post the family & medical leave policy they have established.

### **Sample Policies**

- Family and Medical Leave Policy (Federal Only – use in Illinois, Iowa, & Minnesota)
- Family and Medical Leave Policy (Wisconsin & Federal)

### **Leave Application/Notice to Organization**

- FMLA Leave of Absence Request Form
- Certification of Relationship (Optional FMLA Administration Form)
- Wisconsin FMLA Optional Form for Domestic Partner Relationship

This sample document is only an example and is based on the laws in effect at the time it was written. MRA-The Management Association, Inc. does not make any representations or warranties regarding the appropriateness or prudence of using this information for any particular individual or situation. Your company should add, delete, or modify the content of this document as needed to suit your purposes. This material is for your information only and should not be construed as legal advice. In some circumstances it may be advisable to have legal counsel review final documents prior to implementation.

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Wisconsin: 800.488.4845 • Minnesota 888.242.1359 • Northern Illinois: 800.679.7001 • Iowa & Western Illinois: 888.516.6357

**Issue Mandatory Employee Notices (Issue within 5 business days of notification)**

- [Notice of Eligibility and Rights and Responsibilities \(DOL\)](#)
- [FMLA Leave Request Cover Letter](#)

**Medical Certification**

## DOL Versions

- [Certification for Serious Injury or Illness of Current Servicemember - for Military Family Leave](#)
- [Certification for Serious Injury or Illness of Veteran - for Military Caregiver Leave](#)
- [Certification of Health Care Provider for Employee's Serious Health Condition](#)
- [Certification of Health Care Provider for Family Member's Serious Health Condition](#)
- [Certification of Qualifying Exigency for Military Family Leave](#)

## MRA Samples

- [FMLA Adult Child Incapable of Self-Care Determination](#)

**Determine If a Serious Health Condition Exists**

- [Is It a Serious Health Condition Under Federal & Wisconsin FMLA](#)
- [FMLA Medical Certification is Incomplete/Insufficient Letter](#)

**Issue Mandatory Designation Notice (Issue within 5 business days of notification)**

- [FMLA Designation Notice \(DOL\)](#)
- [FMLA Denied – Employee Not Eligible](#)
- [FMLA Paperwork Not Returned Letters](#)
- [No Return of FMLA Packet Letters](#)
- [Failure to Return from FMLA Letter \(Caretaking / Bonding\)](#)
- [FMLA Recertification and Approval Letter to Employee](#)
- [FMLA Letter to Employee on Benefit Payments](#)
- [FMLA Ending - Leave of Absence Continuing Letter](#)
- [Termination Letters](#)

**Manage Chronic/Intermittent Leaves**

- [Letter to Health Care Provider on Pattern of FMLA Intermittent Leave Absences](#)
- [Letter to Employee at End of FMLA](#)
- [FMLA Letter to Pregnant Employee Regarding Impending Leave](#)
- [Intermittent Leave Tracking Form](#)

**Track Use of Leave**

- [FMLA Tracking Sheet - Calendar Year](#)
- [FMLA Tracking Sheet - Rolling Year](#)
- [FMLA Paperwork Tracking Form](#)
- [Attendance Tracking Log](#)
- [12-Month Period Under the FMLA \(DOL\)](#)

## Tools for Managing FMLA

- [Stacking for FMLA Can Occur with Birth or Adoption Late in the Calendar Year](#)
- [Should Employees on FMLA Be Paid for Holidays?](#)
- [Counting Days of Leave Under FMLA](#)

## Resources from the Departments of Labor

[Employer's Guide to the Family and Medical Leave Act](#) - provides "essential information about the FMLA, including information about employers' obligations under the law and the options available to employers in administering leave under the FMLA. The [Guide](#) is organized to correspond to the order of events from an employee's leave request to restoration of the employee to the same or equivalent job at the end of the employee's FMLA leave. It also includes a topical index for ease of use."

[Wisconsin Human Resources Handbook – Family Medical Leave Act \(WI DPM\)](#)

## Frequently Asked Questions

[Is It A Serious Health Condition Under Federal or Wisconsin FMLA?](#)

[FMLA Frequently Asked Questions](#) (Department of Labor)

[Wisconsin Family and Medical Leave Law Frequently Asked Questions](#) (Wisconsin Department of Workforce Development)

[Common Employer Question on FMLA Administration](#)

## Information to Provide to Employees

[The Employee's Guide to the Family and Medical Leave Act](#) (DOL)

[Wisconsin FMLA Law FAQs](#) (Wisconsin Department of Workforce Development)

## State Leave of Absences Resources

### Illinois

- [Illinois State Leave Law Guide](#)
- [Illinois Sample Mandatory Leave Policies](#)
- Compliance Posters - Your Rights Under Illinois Employment Laws (Illinois) Required of all Illinois employers (includes VESSA language).
  - <https://www2.illinois.gov/idol/Pages/default.aspx>

### Iowa

- [Iowa State Leave Law Guide](#)
- [Iowa Sample Mandatory Leave Policies](#)

### Minnesota

- [Minnesota State Leave Law Guide](#)
- [Minnesota Sample Mandatory Leave Policies](#)
- Compliance Poster (not mandatory)
  - [https://www.dli.mn.gov/sites/default/files/pdf/parental\\_leave.pdf](https://www.dli.mn.gov/sites/default/files/pdf/parental_leave.pdf)

### Wisconsin

- [Wisconsin State Leave Law Guide](#)
- [Wisconsin Sample Mandatory Leave Policies](#)
- [Can You Mandate Wisconsin FMLA?](#)
- [Federal & Wisconsin FMLA Comparison](#)