



MANAGER MINUTE

JAN 18, 2023

RECOGNIZING THE NEED FOR FML OR ADA

ISSUE 04

One of the most challenging issues is recognizing when an employee has provided notice of the need for leave or accommodation. An employee may not specifically use the words "reasonable accommodation" or "family medical leave" when making a request.

Managers, assistant managers, supervisors and leave administrators must be able to recognize qualifying reasons for leave and accommodations to properly initiate the required notifications and eligibility checks. When information has been provided that indicates an employee's need for leave or accommodation, the employer should prompt the employee via email to contact their department's FMLA coordinator or the university's disability coordinator.

RECOGNIZE WHEN AN EMPLOYEE SHOULD BE PROMPTED TO APPLY FOR FML AND/OR ADA

- If an employee indicates/mentions that they have an illness, injury, impairment or physical mental condition that:
 - involves inpatient care, such as an overnight stay in a hospital or medical care facility; or
 - requires "ongoing or continuing treatment by a healthcare provider."
- If an employee mentions their own ongoing medical condition.
- If an employee is unable to work for more than three consecutive days and have ongoing medical treatment.
- If an employee explains their recent performance issues are or may be related to health challenges.

NOTE: In instances where an employee mentions the illness of a family member is impacting their work performance or ability to be at work, only FMLA may apply. ADA accommodations are only applicable to the employee's own illness or injury.

PHRASES OR BEHAVIORS TO WATCH OUT FOR:

- Pattern of attendance issues
- Health reasons as explanations for poor performance
- Pregnancy, birth or adoption
- Ongoing medical condition
- Visible disability or injury
- References to learning disability
- Several days absent for illness/flare-ups due to a chronic condition/medical condition
- Periodic absences or doctor's appointment for illness
- Noticeable behavioral changes
- Unusual deteriorating job performance

TIPS FOR A MANAGER/SUPERVISOR:

- Ask "How can I assist you?" or "Do you need something from us?"
- Know where to refer employees for FML and ADA assistance.
- Do not ask detailed questions regarding an employee's medical condition.
- Be aware that more than one law may apply to the same absence.
- Document all absences.
- When in doubt ask employee relations or the office of diversity and equal opportunity for help.

ADDITIONAL RESOURCES

[Family Medical Leave HOOP Policy 106 - Family and Medical Leave](#)

[Family & Medical Leave Coordinator List](#)

[Accommodations HOOP Policy 101 - Disability Accommodations](#)

[Family & Medical Leave Resources](#)

WHERE SHOULD MANAGERS GO TO GET ASSISTANCE?

[Family Medical Leave Employee Relations](#)
713-500-3180
hremployeerelations@uth.tmc.edu

[Accommodations Diversity & Equal Opportunity](#)
713-500-CALL (2255)
CALL@uth.tmc.edu