

## Sample Questions & Talking Points for Managers

This document is intended to aid managers in obtaining necessary information about their employee's leave to help manage operations within the department. These tips will guide managers in having those conversations while staying within the parameters of what a manager can and cannot legally ask the employee about their leave

It is important that you initiate an ongoing conversation with your employee so you can plan for their time off, assist them in appropriately using their paid leave options, and support them and the department in preparing for a return to work.

**Managers should discuss the following topics with employees prior to beginning an extended leave. If you are not able to have this discussion in advance, you should contact the employee at your earliest convenience.**

### The Schedule:

- “What will be your last day of work before starting this leave?”
- “When do you expect to return to work?”
- “Are the dates and/or times you are requesting negotiable?”
  - The manager can negotiate dates/times if the employee agrees.
  - The manager cannot demand a change in dates/times.
  - The manager may not ask about the employee's medical condition.
  - Employees are required to give at least a 30-day notice for planned FML events when possible and at least 2 days if not possible. If insufficient notice is given to the manager for a leave or if a notice does not meet reasonable work needs, it is possible that the employee can be asked to postpone their leave. The HR Leave Center should be contacted if this exists. (Typically, elective surgery and/or ongoing office appointments can be rescheduled as long as the physician involved is also available.)
- If intermittent leave (leave that starts and stops at irregular intervals and does not extend past 3 full days at a time):
  - If intermittent leave is approved to be taken, inform your employee of department call-in procedures and how to notify you directly if the situation changes and their need for time off becomes greater than what is approved.
  - Inform your employee that they are required to advise at the time of call-in that their absence is related to their FML case
- Remind the employee that it is their responsibility to submit required forms to the HR Leave Center in order for their FML to be approved.

### Contact Information and Expectations Regarding Returning to Work:

- Be sure you have updated contact information for your employee, e.g. phone numbers, etc.
- Ask your employee to call you a few days before their scheduled to return to confirm their return date and discuss any restrictions.

**Leave Status Change:**

- Share the following expectations:
  - You expect them to contact both you and the HR Leave Center if their dates change for any reason. For example, if they need to extend their time off, you should expect them to contact you in advance to let you know. Explain that this is so you are able to manage the work during their absence.
  - You expect them to notify you at least 5 days in advance of their return to work or as soon as possible.
- Be aware:
  - There may be cases when the employee may not be able to give a full 5 days' notice, but it is important that they are aware that you expect for them to call to confirm their return date.
  - Call your employee the day before they are due back if they have not called to confirm their return.

**I've noticed a pattern of absences for my employee who is approved for intermittent FML? E.g. call-ins around weekends or off days.**

You should speak to employees about using more time than what is approved or patterns of absences. You should:

- Have a copy of their approval letter handy to give to them
- Illustrate the pattern of absences that are of concern to you. For example, taking FML around weekends, holidays and off days – recommend color coding in a calendar format.
- Explain that you have called the HR Leave Center and were advised that any absences taken over what has been certified by the doctor or patterns can be subject to the terms of the Attendance policy, which could include disciplinary action.
- Do not allow employees to discuss any medical information. If they want to discuss a medical reason for their pattern, refer them to us. It's a good idea to send us an email advising of what the call will be in reference to.
- Follow up meeting in writing to include the statement about potential consequences if the pattern continues.

**The following is a list of common concerns managers may experience while their employee is on extended leave:**

- **I do not believe my employee is taking this time off for medical necessity.**
  - Call the HR Leave Center (5-FMLA) and explain your concerns. Feel free to ask for manager.
- **What and do I tell my employee about returning to work and when should I have this conversation?**
  - When the employee first notifies you of their need for extended leave, an appropriate conversation would include, "I expect you to provide me with a medical provider's release to return to work on the day you report. You may not return to work until you have received that medical clearance. If it does not fully release you to work, please let me

- know in advance, as I need to know if we can accommodate your needs before we have you start work again.”
- This conversation should also be reiterated before they return to work, if possible.
  - When it is a leave due to a family member, no medical release is needed.
- **My employee and I are in contact. What can I say about their medical condition?**
    - When communicating with the employee, ask how they are doing. Do NOT ask about their medical situation or details around their condition. Do not explore medical information with them, even if volunteered.
    - DO ask about their return to work status.
    - DO demonstrate the Core Value of Caring.
    - Do not share information with other employees about this employee’s medical or family condition. It is ok to say they are out on extended leave.
    - Do not speculate or discuss the validity of their leave.
  - **My employee did not return on the expected date. What do I do?**
    - The manager should contact the employee directly and immediately.
    - An appropriate conversation would include, “Hi, how are you doing? We expected you back to work yesterday. ...If you needed additional time off, you were informed to advise me of that need in advance of your scheduled return. You should contact the HR Leave Center immediately. Your current job is not protected based on your original request, so you need to make sure you take care of getting an extension. If you don’t need an extension, please report in tomorrow (with your medical release if applicable).”
  - **My employee returned without a medical release. What do I do?**
    - If on leave for their own medical condition, explain to them that they cannot return to work until they bring a release. It is okay to allow them to call the doctor’s office right then and attempt to obtain it by fax. Better to try and get it than send the employee home.
    - If the release has any form of restrictions on it, be sure to contact the HR Leave Center and your HR Generalist for guidance prior to allowing the employee to return to work, especially if you are not confident that you can work with those restrictions.
    - An appropriate conversation could include, “I’m sorry, but you cannot return from leave until you have a medical clearance that allows you to work. Why don’t you go obtain one now? Your absence will continue to be charged to any available paid time off until you can obtain that. Please let me know if you have any issues. Otherwise, I will look for you to come back with that release tomorrow.”
  - **My employee returned to work today. What do I do?**
    - Ask them if they called the HR Leave Center to report their return. If not, ask them to do so and remind them that failure to do so may result in issues with their pay.
    - If applicable, fax their release to the HR Leave Center at 713) 745-8898.
    - Follow up within a couple of days by checking PeopleSoft to ensure the return from leave has been entered by the HR Leave Center. If not, notify the HR Leave Center via email.

Note - Returning to work from an extended leave of absence can occasionally be uncomfortable for the employee. Apart from adapting to the physical demands of their work day, they may feel disconnected from their team or from any changes made in their absence. To ease this transition, integrate them back into the workplace at a comfortable rate for the employee. Be sure to formally welcome them back.

**Reminders:**

- Read all notifications from the HR Leave Center
  - Remind your employee to read and adhere to any intermittent approval notifications as those notices will contain specifics regarding how much time they are approved to take. For example: an employee may be approved for one appointment per week lasting 2 hours per occurrence and 1 episode per month lasting 1 to 2 days.
- If your employee has taken continuous leave and plans to return to work with restrictions, remind them to call you to discuss your ability to accommodate those restrictions prior to them returning to work.
- Be sure they provide a copy of their release to return to work to both you and the HR Leave Center.
- Ask them to call the HR Leave Center to initiate a case, which will fall under the American's with Disabilities Act as amended (ADAAA).
- Remind your employee to call the HR Leave Center upon their return to work to avoid any inaccurate issues with they pay.

For questions on the leave process, contact 713) 745-FMLA (3652) or e-mail  
**[HRLeaveAdmin@mdanderson.org](mailto:HRLeaveAdmin@mdanderson.org)**