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Human Resources Managers and the Family Medical Leave Act

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Human Resources Managers and the Family Medical Leave Act

A Research Paper
Presented to
The Faculty of the Department of Occupational and Technical Studies at
Old Dominion University

In Partial Fulfillment
of the Requirements for the Degree of
Master of Science in Occupational and Technical Studies

By
Rhonda Taylor
August 2005
Signature Page

This research paper was prepared by Rhonda Taylor under the guidance of Dr. John M. Ritz in Occupational and Technical Education 636, Problems in Occupational and Technical Studies. It was submitted to the Graduate Program Director as partial fulfillment of the requirements for the Degree of Masters of Science.

Date: ______________________

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CHAPTER I
INTRODUCTION

Employees and employers continue to struggle with the interpretations of the Family Medical Leave Act of 1993 (FMLA) that differ from Congress’ original design (Gray, Jorgensen, & Scanlan, 2004). The FMLA was enacted to protect an employees’ job when they are absent from work due to a “serious health condition”. The leave entitles “eligible employees” to receive 480 hours per year of paid or unpaid leave to care for their serious health condition. The leave also entitles the employee to have paid or unpaid leave for a serious health condition for the employees’ spouse, child or parent. Two of the most challenging issues of the FMLA are the interpretation of a “serious health condition” and the ability to take incremental leave in time allotments as small as the employers payroll system can permit.

The FMLA states that a “serious health condition” means an injury, illness, impairment, or physical or mental condition that involves one of six conditions: hospital care, absence plus treatment, pregnancy, chronic conditions requiring treatments, permanent/long-term conditions requiring supervision, or multiple treatments (non-chronic conditions) (U.S. Department of Labor Employment Standards Administration Wage and Hour Division, 1995). Employees are entitled to take leave in less than eight hour increments. Employees can use intermittent leave to reduce their work schedule as their treating physician has stated or an employee can use episodic leave to help with medical conditions
that have outbursts or flare-ups that cause the employee to be absent, such as migraines, diabetes, or asthma.

Only employers with 50 or more employees are obligated to comply with the requirements of the FMLA. Most companies have some type of medical leave available to their employees, such as short term and long term disability plans. Short term and long term disability plans are considered paid leave, including workers' compensation. The employer has the right to count hours missed from work while on short term or long term disability as well as hours missed for a workers' compensation claim against the employees' 480 hours of leave. However, the employer has the burden of notifying the employee that the short term or long term disability, medical leave of absence, or workers' compensation is being applied to the employees' 480 hours of Family Medical Leave.

STATEMENT OF THE PROBLEM

The purpose of this study was to assess Human Resources Managers' knowledge of the Family Medical Leave Act.

RESEARCH OBJECTIVES

The following objectives were established to answer this problem:

1. Determine the opinions of Human Resources Managers regarding employees' use of Family Medical Leave.
2. Determine whether employees are excessively using Family Medical Leave benefits.
3. Determine Human Resources Managers topics for training on Family Medical Leave practices.

BACKGROUND AND SIGNIFICANCE

The researcher has been the human resources representative at a manufacturing facility since May 2003. The company’s history of Family Medical Leave (FML) use has been liberal. In 2004 the manufacturing facility experienced an unusual high use of paid or unpaid time off related to the use of FML. The manufacturing facility employed on average 100 employees during 2004. In 2004, 36 employees applied for paid or unpaid time off under the protection of the FMLA. The company calculated 5000 hours in 2004 as paid or unpaid time off that was approved for the employees that requested leave. Of the 36 employees who requested leave, 15 employees received short term disability, which is paid leave under the FMLA. The remaining 21 employees applied for FML for a “serious health condition” that would range from a one time absence for the “serious health condition” or allow them to have intermittent or episodic leave for an individual day or for less than an eight hour work day. During the first six months of 2004 the company received and approved 65 separate applications for episodic or intermittent leave for 21 different employees.

The company uses a rolling calendar year to calculate hours used under the FMLA. The company requires medical certification for all requests of FML. The company has been liberal in approving all requests for leave due to past
practices of the company and the complexity of interpretation of the FMLA. For intermittent and episodic leave the company requires a medical certification but has allowed employees to call in before their shift, leave early or arrive late without question. The employee requests FML from the supervisor or human resources department. FML absences are recorded by the supervisor. The supervisor completes an absence slip for the employees’ FML and turns the absentee slip into the human resources department for documentation and approval. The human resources department becomes the responsible entity for approving and documenting FML.

Employers are faced with the complex task of complying with the application of the Family Medical Leave Act. It is the employers’ responsibility to determine if the requested leave is a qualified event according to the FMLA. The employer must depend on the employee to obtain medical certification that outlines the reason for leave. The health care provider must categorize the leave under one of the six options for a described “serious health condition”. The employer must interpret the medical information that the employee supplied from their health care provider in order to approve FML. It is the employer’s responsibility to accept or deny the request for leave based on the information from the medical certification.

Most employers have become accustomed to approve whatever FML is requested without much argument due to the liability that can come with refusing a request for FML. Most requests for FML are approved without adequate documentation. This is confirmed by a manuscript written by Yoon (2003). The
article states that half of Human Resources professionals approved FMLA requests they thought were questionable.

A survey conducted by the Society for Human Resources Professionals (SHRM) found that many human resources managers have trouble with defining exactly what makes an FMLA worthy "serious health condition", which confirms what Yoon stated (Gray, 2004). Yoon (2003) also confirmed this in the research that showed human resources professionals approve FML that was questionable due to the complexity of the FMLA.

Since the conception of the FMLA in 1993, the Department of Labor has attempted to assist both the employer and the employees with interpretations of the requirements outlined in the subparts of the Family Medical Leave Act. The Society for Human Resources Professionals urges policymakers to clarify the situations that qualify for medical leave under FMLA, which would curtail unnecessary litigation and tremendous confusion that has resulted since its implementation (Gray, Jorgensen, & Scanlan, 2004). Twelve years after the FMLA was established it seems that employers are experiencing misuse and even abuse of the leave that Congress had created to help employees who experienced "serious health conditions" of their own, spouse, child or parent. It does appear that FMLA has become a means for most employees to have their own medical leave of absence. Human resources managers need to take a more aggressive approach in approving the employees' request for leave in order to reduce the abuse of FML. By human resources managers and supervisors becoming more knowledgeable about the FMLA they could assist with the
detection of misuse and abuse in FML requests. Employees who have to fill in for the lost production time as a result of the absence experienced by FML use will feel better about the company taking a proactive stand on detecting misuse or abuse of FML.

LIMITATIONS

The limitations to this research were human resources managers’ knowledge of the Family Medical Leave Act. Other limitations include: the opinions of the human resources managers regarding employees' excessive use or abuse of Family Medical Leave, and the training that human resources managers and supervisors will need to effectively administer the Family Medical Leave Act.

ASSUMPTIONS

The following assumptions are based on observations made during the researchers' human resources work.

1. Human Resources Managers are experiencing excessive requests and abuse of employees’ use of Family Medical Leave.
2. Human Resources Managers have different opinions regarding what is approved leave for employees' use of Family Medical Leave.
3. Human Resources Managers lack proper training to effectively administer the Family Medical Leave Act.
PROCEDURES

Research was conducted using a self-administered questionnaire. The survey focused on the opinions of Human Resources Managers regarding employees' use of Family Medical Leave. The survey also addresses whether employees are excessively using Family Medical Leave and to determine training topics for human resources managers and supervisors with regards to the Family Medical Leave practices. A survey was selected because it was the most appropriate method to gain the desired information. The instrument used for this research was designed specifically for this study. A cover letter was prepared and accompanied the survey at distribution. Administering the survey to three human resources managers tested the instrument. This revealed that the survey was clear and easy to understand. No changes were made to the survey. Each question was developed to answer the research objectives. The cover letter and survey was distributed by mail to a selected group of human resources managers within a division of a global manufacturing company. A pre-addressed return envelope was included for the respondents to return their completed survey. The data that were obtained from the returned surveys were analyzed using the Likert Type Scale. The study was descriptive in nature, as it was to measure the human resources managers' opinions regarding the Family Medical Leave Act.

DEFINITION OF TERMS

Acronyms and special terms used during this study are defined as follows:
Acronyms

FMLA  Family Medical Leave Act: Federal Law passed in 1993 to allow for employees' to have 480 hours during a calendar year of unpaid or paid time off to care for a "serious health condition" of their own, spouse, son, daughter, mother or father.

FML  Family Medical Leave: Paid or unpaid leave that is approved for employees' use for a "serious health condition" of their own, spouse, son, daughter, mother or father.

HR  Human Resources

SHRM  Society for Human Resources Management – The leading voice of the human resources profession. SHRM provides education and information services. A non-profit organization established in 1966 to fund and support applied research, publications, scholarships, and educational programs to help HR professionals and their employers prepare for the future.

DOL  Department of Labor

Special Terms

Eligible employee:  To be considered an "eligible employee", the employee must work for same company for a 12 month period and work a minimum of 1,250 hours during the last 12 months.

Episodic leave:  Episodic leave is leave that an employee takes for a serious health condition that has episodes related to the illness, such as epilepsy, diabetes or asthma.
Intermittent leave: Intermittent leave is leave that may be taken on a reduced schedule or intermittently for a planned and/or unanticipated medical treatment or a serious health condition. Intermittent leave would include medical appointments or for leave taken several days at a time spread over a period of months.

Rolling calendar year: A rolling calendar year is one of the methods used for tracking employees' use of FML. It measures the twelve month period backwards from the date an employee uses any FML.

“Serious health condition”: A “serious health condition” is an injury, illness, impairment, or physical or mental condition that involves one of six conditions: hospital care, absence plus treatment, pregnancy, chronic conditions requiring treatments, permanent/long-term conditions requiring supervision, or multiple treatments (non-chronic conditions) (U.S. Department of Labor Employment Standards Administration Wage and Hour Division, 1995).

OVERVIEW OF CHAPTERS

The Family Medical Leave Act was intended to be a positive means for an employee to have their job protected in the event of a “serious health condition”. Since the inception of the FMLA employees and employers have spent a large amount of time and money on the interpretation of the law. In the Human Resources profession, some feel that the FMLA should be overhauled.

Employees have found another means that allows them to cover their absences.
Until Congress makes changes to the FMLA the issues of misuse and abuse will continue to exist.

Chapter II is a review of literature focusing on the research of human resources managers' opinions of employees' use of Family Medical Leave, determine whether employees are excessively using Family Medical Leave, and determine topics for training on Family Medical Leave practices. Chapter III delineates the methods and procedures used to conduct the study including the instrument design and selection. Chapter IV lists the findings of the study and lastly, Chapter V summarizes the study to include recommendations for future studies.
CHAPTER II
REVIEW OF LITERATURE

This chapter will provide the readers with literature relevant to the research purposes of this study. The chapter is organized into three sections: (1) opinions concerning the Family Medical Leave Act, (2) misuse of Family Medical Leave Act, and (3) Family Medical Leave Act training needs.

OPINIONS CONCERNING THE FAMILY MEDICAL LEAVE ACT

The complexity of the FMLA has left many HR professionals, supervisors, managers and employees with varying opinions about the FMLA. The opinions are widespread and require a better understanding of how each person affected by the FMLA, including the Department of Labor and Congress, should work towards a common ground on interpretation issues and work together to resolve conflicts.

McConnell (2004) reported that the FMLA has made an important contribution by providing a supportive environment for employees and their families during a time of need. The spirit of the law is not well served when the complexities of the statute leave employers guessing how to best comply with it as well as leave employees guessing what leave is protected under the changing legal interpretations. Employers are having difficulty in determining what constitutes a “serious health condition,” enforcing attendance policies, managing intermittent leave and communicating with physicians. Enforcing what McConnell stated, the FMLA Technical Corrections Coalition’s (2005) opinion is
that the FMLA has broad regulations and interpretations have shifted the law far away from the intent of Congress. This has resulted in problems for both employees and employers.

Zeppelin (1996) also reports that the inclusion of all these various absences in the definition of a “serious health condition” has inadvertently changed the FMLA statute into a national sick leave policy, which is specifically what Congress wanted to avoid. Information obtained in the Society for Human Resources Management (SHRM) 2000 FMLA Survey concluded that almost two-thirds of the HR professionals responding stated they felt their companies have kept some employees who would have otherwise been released for failure to meet attendance standards due to the FMLA and its regulations.

Additionally, Leonard (2005) reports that the FMLA has proved difficult for many HR professionals to administer and says HR professionals are asking for the Department of Labor (DOL) to change or clarify certain regulations under the FMLA. Twelve years after the FMLA was enacted and three years after a landmark U.S. Supreme Court decision, Ragsdale vs. Wolverine World Wide Inc., the DOL is poised to issue revised regulations governing the FMLA in March 2005. Some feel that the new rules could have wide-ranging effects on the way employers administer leave policies. The DOL regulatory agenda published in December 2004 set March 2005 as the deadline for issuing the proposed changes to the FMLA regulations. The agenda will focus on changes required under the Supreme Court’s March 2002 decision in Ragsdale vs. Wolverine World Wide Inc. and could address other issues that have been raised by lower
court rulings. The Supreme Court’s ruling in *Ragsdale* nullified the DOL notification requirement that forced employers with extended leave policies to grant twelve additional weeks of leave to employees under the FMLA.

According to Willman (2002) *Ragsdale* may be the first Supreme Court decision holding that an FMLA regulation is invalid. Other courts have made rulings that also invalidated the FMLA regulation. There has been 58 reported court decisions in which the validity of 11 different FMLA regulations was at issue. Of the 58 court decisions, 51 included a ruling on the validity issue, while seven of them were decided on other grounds even though the validity of an FMLA regulation had been challenged.

Zeppelin (1996) reports that SHRM recommends the Administration allow employers to plan coverage for employees’ absences by requiring employees to apply for FMLA leave as they would for other types of employer based leaves. With shifting the burden to the employee to request the leave to be applied to their FML would relieve the burden from the employer and eliminate the employer from asking questions of the employee that could be private. Zeppelin goes on to say that the FMLA is a good law that has become inadvertently too complex and asks that the Administration move quickly to make the FMLA a more effective law.

**MISUSE OF FAMILY MEDICAL LEAVE ACT**

The research shows that shortly after the FMLA was enacted in 1993 predictions of possible employee misuse and abuse of the FMLA was already
being discussed. During the last twelve years research shows that misuse and abuse has taken place for FML. In order to control the issue, employers, HR professionals, managers, and employees must work together to understand the complexities of the FMLA.

Shortly after the FMLA was enacted employers were warned about the possible abuse of leave allowed under the FMLA. According to Flynn (1994) it is not enough to briefly go over the Family and Medical Leave Act. Employers must maintain a careful balance between the letter of the law and its many implications or the employer can allow employees to abuse the leave and leave both the supervisors and employees with misunderstandings. In an example used by Flynn (1994), an employee returns to work on Monday after six months on workers’ compensation leave. On Tuesday, she tells you that she needs to take another four months off under FMLA leave. Is this allowed? In order to answer questions concerning FML human resources, supervisors and employees need to understand the FMLA. If companies and employees do not make it their business to keep current on the provisions of the FMLA, companies and employees could allow this employee-friendly bill to be misused and misunderstood.

Flynn (1994) reported that the Department of Labor resolved 278 of 302 violations that occurred in the first year after the FMLA was enacted. The outcomes of the violations involved payments of back wages, restoration of benefits, and returns to former positions rather than imposing harsh penalties on employers. In a 1993 survey conducted by the International Foundation of
Employee Benefit Plans it revealed that of 100 respondents, only 1% felt they had experienced intentional abuse of the Act. Another study in 1993 of Hewitt Associates revealed that of 628 employers, only 18% were concerned about potential abuse by employees but were worried about administrative issues such as recordkeeping.

Flynn (1994) also reports not all misuse of the FMLA is intentional. Employers themselves are indirectly responsible for the negative outcomes of its use. That is because those granting leave have not been properly trained on the more intricate details of the FMLA. Burke (2003) also reported that of 378 respondents surveyed, during the 2003 SHRM Survey for Family and Medical Leave, 35% were aware of employee complaints in the last 12 months from co-workers because of another worker’s questionable use of FML. When employees use leave under the FMLA the workload of the employee on leave is transferred to other employees by requiring overtime, or the work does not get completed without hiring temporary workers to complete the work.

Again, this was reinforced by the FMLA Technical Corrections Coalition (2005) that the greatest cost to the FMLA was the cost to the employees themselves. By far the most used method to cover for employee absence is to assign or shift the work to other co-workers 92% of the time. With the FMLA’s regulations, increasingly, leave is being taken with little or no notice, requiring unscheduled overtime by co-workers. The FMLA Technical Corrections Coalition supports passage of legislation that will correct the FMLA with regards to restoring the meaning of a "serious health condition" to the original intent of
Congress, clarifying the definition of incapacitated, modifying intermittent leave to allow for half day incremental tracking, streamlining record keeping, and allowing employers to offer a choice between FMLA benefits or paid sick leave.

According to Morning Star Health and Human Resources Connection employers report a forty percent (40%) rise in the incidence of FMLA time off over the past year and the Department of Labor research indicates that twenty-five percent (25%) of all FMLA events are a result of misuse or abuse. They also state that the health care professionals consider the required certification form to be a real nuisance and the twelve weeks of leave are an entitlement to the employee and should be used as the employee desires. With this attitude the health care professionals can add more of a burden to employers who are trying to control the misuse of absences under the FMLA.

The SHRM 2000 FMLA Survey stated that when respondents were asked if they felt that in any cases FMLA requests were not legitimate but had to be granted due to the Labor Department’s regulations/interpretations, slightly more than half (52%) indicated this had been the case. These findings are of great concern and may have serious implications for employee morale. Burke (2003) also concluded that human resources professionals are having difficulty complying with the FMLA, specifically regarding the tracking of intermittent leave. Leave has been granted which is not believed to be legitimate and some co-workers are complaining to HR about the abuse. Even larger companies with more legal and compliance assistance report that they are granting leave that they do not feel is legitimate. The results of the survey also showed employers’
willingness to comply with the spirit of the law that was created by the FML, yet employers also illustrate concerns that have been raised about the Department of Labor’s FMLA interpretations of a serious health condition.

FAMILY MEDICAL LEAVE ACT TRAINING NEEDS

In order to prepare all levels of employees, education and training is a vital link to success. The human resources department has become the business unit that makes arrangements for training. The FMLA requires training for HR professionals, managers, supervisors, employees and physicians. The lack of training could result in legal implications, low employee morale, misuse or abuse of the FML and lost work hours.

An article written by Flynn (1994) showed organizations that take proactive steps by training supervisors, informing employees and allowing some type of appeals process find that they can balance the employee-friendly spirit of the law with running a business. In order for this to take place HR must first ensure that management has been properly trained. Supervisors cannot protect the companies they work for unless they know what the law entails. Corporate America has been remiss in its commitment to educating its front line managers. Only 22% of respondents to the Mercer survey have trained supervisors on the FMLA, and what is even more alarming is that 22% said that they probably would not do any training. The employers who are having problems are having these because they are not educating themselves and they are not educating their key
people. Mercer's Stanger, who co-authored the Mercer-Berkeley survey, advises that employers begin supervisor education immediately.

Flynn (1994) also reports that unless supervisors are well trained, the ignorance can have a domino effect. Because employees look to their direct supervisors for guidance, a misunderstanding on the part of the supervisor can lead to a misunderstanding by a worker. This again could lead to unintentional misuse. Educating supervisors is very important. They are the ones on the front, the ones getting and retaining and passing on information. If they pass it on erroneously, then you have a gap in the system.

The SHRM 2000 FMLA Survey showed that:

Seventy-seven percent (77%) of respondents stated they are aware of the Department of Labor’s interpretation of serious health condition under the FMLA to include an absence of three or more days with continued care of a health care provider. Respondents also indicated that a larger percentage of HR professionals within their facilities understand the FMLA (74%), compared to employees (29%) and line managers and supervisors (31%). It is not surprising that a majority of HR professionals at their facilities understand the Act, but it is somewhat disconcerting that this knowledge is not filtered down to the rest of the organization where line managers and employees must deal with the Act on a regular basis (p. 26).

The SHRM 2000 FMLA Survey also shows that supervisors or line managers at facilities do not discourage the legitimate use of the FMLA.
However, 32% of the respondents indicated the supervisors and line managers at their facilities do not facilitate the legitimate use of the FMLA. It appears that HR professionals largely understand the obligation of their companies to the FMLA but that at least some of the HR professionals do not help their supervisors and line managers to understand the FMLA requirements. The study does conclude that more education is needed for HR professionals, employees, line managers and supervisors to help understand the FMLA. It also reports that more education is needed to educate supervisors and line managers on how to facilitate and determine the legitimate use of FMLA and not to discourage the use of FMLA; also more education is needed to assist with the compliance of the FMLA.

As reported in the SHRM 2000 FMLA Survey organizations want to follow and support the spirit and intent of the FMLA, but appear to find obstacles in doing so. As a result more clarification and education is needed on such issues as overall compliance, managing intermittent leave, determining serious health condition coverage and communicating with care professionals and physicians.

SUMMARY

The Family Medical Leave Act is a complex law and requires employers and employees to work together to prevent misuse and abuse of the allowed leave. The FMLA was enacted to protect an employees’ job during a medical crisis. The spirit in which the law was created is not questioned, but the interpretations of the law have both employers and employees concerned. In
order to combat the intentional or unintentional misuse or abuse of the FMLA, training will continue to play a vital link for the success and the future of the FMLA.

Chapter III delineates the methods and procedures used to conduct the study including information on the study’s population, methods of data collection, and statistical analysis of the data collected.
CHAPTER III
METHODS AND PROCEDURES

The methods and procedures used for this experiment are delineated in this chapter. Contents of this chapter include a description of the population, instrument design, methods of data collection, and statistical analysis.

POPULATION

The population of this study consisted of 11 Human Resources Managers within a division of a global manufacturing company. The overall size of the company is 14,000 employees worldwide, with 60 individual facilities.

INSTRUMENT DESIGN

The method used to obtain data for this research was a self-administered survey. The survey focused on the knowledge of Human Resources Managers concerning the Family Medical Leave Act. A survey was selected because it was the most appropriate method to gain the desired information. The instrument (see Appendix A) used for this research was designed specifically for this study. The instrument was tested by administering the survey to three Human Resources Managers. This revealed that the questions were clear and easy to understand; no changes were made to the survey. Each question was developed to answer the research objectives. Ten questions were developed using the Likert Type Scale. The four-point scale ranged from 4 = strongly agree to 1 = strongly disagree. The study was descriptive in nature, as it was to
measure the Human Resources Managers opinions regarding the knowledge of
the Family Medical Leave Act. Question 11 asked the respondents to select from
five statements relating to sections of the Family Medical Leave Act that if
adequate training was provided, would assist the facility to better control the
misuse or abuse of Family Medical Leave. The five statements were: the amount
of time required to give notice for qualified leave, proper documentation of
approved leave, how to track approved leave under the Family Medical Leave
Act, how often the employer can require recertification of a serious health
condition, and how to determine if you have enough medical information to
approve the requested Family Medical Leave.

METHODS OF DATA COLLECTION

The survey was distributed to the 11 Human Resources Managers by
mail. A cover letter (see Appendix B) was prepared and accompanied the survey
at distribution. The cover letter was used to describe the purpose of the study
and how their participation in the study was important. The cover letter also told
about the protection of human subjects and the respondents’ participation in the
survey would be kept confidential.

STATISTICAL ANALYSIS

Information from the returned survey was compiled. Descriptive statistics
were used to analyze the data and to compare the responses from the
participants. The survey asked the individuals to respond to a series of
statements by indicating whether or not they strongly agreed (4), agreed (3), disagreed (2), or strongly disagreed (1) with each statement. Each response was assigned a point value. A raw score for each statement was determined by adding the point values together. The mean, median, and mode were calculated for each statement’s raw score. To determine the training needs the statements in Question 11 were ranked by total respondents and the percentage of total responses.

SUMMARY

The study provided information on the knowledge of the Family Medical Leave Act within a select group of Human Resources Managers. The study also revealed training needs that could assist employers on how to better control the misuse or abuse of Family Medical Leave. An explanation of the research questions, research design, study sample, and the statistical techniques used in this study has been discussed. In Chapter IV the focus will be on the analysis and the results of the data provided from the survey developed from the review of literature.
CHAPTER IV
FINDINGS

The study examined Human Resources Manager's knowledge of the Family Medical Leave Act. The following objectives were established to answer this problem: determine the opinions of Human Resources Managers regarding employees' use of Family Medical Leave, determine whether employees are excessively using Family Medical Leave benefits, and determine Human Resources Managers topics for training on Family Medical Leave practices.

SURVEY RESPONSE RATE

The survey was distributed to 11 Human Resources Managers within a division of a global manufacturing company. All surveys were returned for a response rate of 100%. Descriptive statistics were used to evaluate the mean, median, and mode of each statement. The total respondents and the percentage were calculated for each statement. The statements were rank ordered by total respondents and the percentage of total responses. Contents of Chapter IV present the results of this study including overview of responses and a summary of the findings.

RESEARCH GOALS

Questions 1 through 10 asked the participants to respond to a series of statements using a Likert type scale. Statements 1, 2, 3, 4, 5, 6, 7, 9, and 10 were designed to answer research Objective 1. Statement 8 was designed to
Research Question 1, “I feel that leave allowed by the Family Medical Leave Act is a positive benefit for the employees to use”, three respondents chose strongly agreed and eight respondents chose agreed. The mean calculation was 3.27 which indicate the Human Resources Managers surveyed agree with the statement.

Research Question 2, “I feel that Family Medical Leave is not being used today to the intent of what the law was originally proposed for in 1993”, four respondents chose strongly agreed, three respondents chose agreed and four respondents chose disagreed. The mean calculation was 3.00 which indicate the Human Resources Managers agree with the statement.

Research Question 3, “I feel that changes need to be made to the Family Medical Leave Act to help with the abuse of leave allowed for a “serious health condition”, five respondents chose strongly agreed, three respondents chose agreed and three respondents chose disagreed. The mean calculation was 3.18 which indicate the Human Resources Managers agree with the statement.

Research Question 4, “Employees at this facility misuse leave allowed by
the Family Medical Leave Act", three respondents chose strongly agree, one respondent chose agree, three respondents chose disagree and four respondents chose strongly disagree. The mean calculation was 2.27 which indicate the Human Resources Managers disagree with the statement.

Research Question 5, "Employees at this facility misuse intermittent leave allowed by the Family Medical Leave Act", two respondents chose strongly disagree, three respondents chose agree, two respondents chose disagree and four respondents chose strongly disagree. The mean calculation was 2.27 which indicate the Human Resources Managers disagree with the statement.

Research Question 6, "Employees at this facility misuse episodic leave allowed by the Family Medical Leave Act", one respondent chose strongly agree, three respondents chose agree, three respondents chose disagree and four respondents chose strongly disagree. The mean calculation was 2.09 which indicate the Human Resources Managers disagree with the statement.

Research Question 7, "The amount of requested Family Medical Leave has increased during the last year at this facility", four respondents chose agree, six respondents chose disagree and one respondent chose strongly disagree. The mean calculation was 2.27 which indicate the Human Resources Managers disagree with the statement.

Research Question 8, "The amount of leave requested under the Family Medical Leave Act is excessive at this facility", four respondents chose agree, four respondents chose disagree and three respondents chose strongly disagree.
The mean calculation was 2.09 which indicate the Human Resources Managers disagree with the statement.

Research Question 9, "I have been properly trained and understand how to approve the employee requests for leave under the Family Medical Leave Act", one respondent chose strongly agree, seven respondents chose agree and three respondents chose disagree. The mean calculation was 2.81 which indicate the Human Resources Managers disagree with the statement.

Research Question 10, "The Supervisors have been properly trained to recognize if leave requested qualifies under the Family Medical Leave Act", six respondents chose agree, four respondents chose disagree and one respondent chose strongly disagree. The mean calculation was 2.45 which indicate the Human Resources Managers disagree with the statement.

The descriptive statistics mean, median, and mode, for Questions 1 through 10 are shown in Table 1.

<table>
<thead>
<tr>
<th>Research Question</th>
<th>Descriptive Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) I feel that leave allowed by the Family Medical Leave Act is a positive benefit for the employees to use.</td>
<td>3.27  3  3</td>
</tr>
<tr>
<td>2) I feel that Family Medical Leave is not being used today to the intent of what the law was originally proposed for in 1993.</td>
<td>3.00  3  4</td>
</tr>
<tr>
<td>3) I feel that changes need to be made to the Family Medical Leave Act to help with the abuse of leave allowed for a &quot;serious health condition&quot;.</td>
<td>3.18  3  4</td>
</tr>
</tbody>
</table>
4) Employees at this facility misuse leave allowed by the Family Medical Leave Act.  

5) Employees at this facility misuse intermittent leave allowed by the Family Medical Leave Act.  

6) Employees at this facility misuse episodic leave allowed by Family Medical Leave Act.  

7) The amount of requested Family Medical Leave has increased during the last year at this facility.  

8) The amount of leave requested under the Family Medical Leave Act is excessive at this facility.  

9) I have been properly trained and understand how to approve the employee requests for leave under the Family Medical Leave Act.  

10) The Supervisors have been properly trained to recognize if leave requested qualifies under the Family Medical Leave Act.  

**TRAINING NEEDS**

Question 11 asked the respondents to select from five statements relating to sections of the Family Medical Leave Act. To determine the training needs of the Human Resources Managers the statements in Question 11 were ranked by total respondents and the percentage of total responses.

The statement, "The amount of time required to give notice for qualified leave", was selected by three of the eleven Human Resources Managers with a
percentage of total responses at 27%. By rank order this training needs statement was the least selected by the respondents.

The statements, “Proper documentation of approved leave”, “How to track approved leave under the Family Medical Leave”, and “How often the employer can require recertification of a “serious health condition”, each were selected by four of the eleven Human Resources Managers with a percentage of total responses at 36% each statement. By rank order these three training needs statements ranked equally for importance in training needs.

The statement, “How to determine if you have enough medical information to approve the requested Family Medical Leave” was selected by five of the eleven Human Resources Managers with a percentage of total responses at 45%. By rank order this training needs statement ranked the most important training needs topic for this study.

The responses for the statements in Question 11 are listed in Table 2.

Table 2. Training Needs as Selected by Respondents

<table>
<thead>
<tr>
<th>Training Needs for the Application of the FMLA as selected by respondents</th>
<th>Number of respondents</th>
<th>% of Total responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The amount of time required to give notice for qualified leave.</td>
<td>3</td>
<td>27%</td>
</tr>
<tr>
<td>Proper documentation of approved leave.</td>
<td>4</td>
<td>36%</td>
</tr>
<tr>
<td>How to track approved leave under the Family Medical Leave.</td>
<td>4</td>
<td>36%</td>
</tr>
</tbody>
</table>
How often the employer can require recertification of a “serious health condition”.

How to determine if you have enough medical information to approve the requested Family Medical Leave.

SUMMARY

The study provided information on the opinions of human resources managers regarding employees’ use of Family Medical Leave within a selected group of Human Resources Managers. The study also revealed the results of the human resources managers’ opinion on the excessive misuse or abuse of Family Medical Leave and the training needs that could assist the company to comply with the leave allowed by the Family Medical Leave Act. Chapter V will give the conclusions and recommendations of the study.
CHAPTER V
SUMMARY, CONCLUSION, AND RECOMMENDATIONS

This chapter will provide a summary for this research paper, as well as identifying the research population. It also describes the experimental procedures used in conducting the research. The researcher will also report the conclusions based on the research objectives of the study, as well as the recommendations based on the conclusions of this research.

SUMMARY

The focus of this research project was to access Human Resources Managers knowledge of the Family Medical Leave Act. The following research objectives were established to guide the study: determine the opinions of Human Resources Managers regarding employees' use of Family Medical Leave, determine whether employees are excessively using Family Medical Leave benefits, and determine Human Resources Managers topics for training on Family Medical Leave practices.

The study was significant in obtaining research on the Family Medical Leave Act and the opinions of the targeted group of human resources managers. The study will assist the researcher and reader with a better understanding of the misuse or abuse of Family Medical Leave within the manufacturing facility where the researcher works. Twelve years after the Family Medical Leave Act was established it seems that employers are experiencing misuse and even abuse of the leave that Congress had created to help employees who experience a
"serious health condition" of their own, spouse, child or parent. It does appear that the Family Medical Leave Act has become a means for most employees to have their own medical leave of absence. The limitations of the study were human resources managers’ knowledge of the Family Medical Leave Act, the opinions of the human resources managers regarding employees’ excessive misuse or abuse of Family Medical Leave, and the training that human resources managers and supervisors will need to effectively administer the Family Medical Leave Act.

The literature showed that twelve years after the FMLA was enacted and three years after a landmark U.S. Supreme Court decision, *Ragsdale vs. Wolverine World Wide Inc.*, the DOL is poised to issue revised regulations governing the FMLA in March 2005. Some feel that the new rules could have wide-ranging effects on the way employers administer leave policies. The DOL regulatory agenda published in December 2004 set March 2005 as the deadline for issuing the proposed changes to the FMLA regulations. The agenda will focus on changes required under the Supreme Court’s March 2002 decision in *Ragsdale vs. Wolverine World Wide Inc.* and could address other issues that have been raised by lower court rulings. The Supreme Court’s ruling in *Ragsdale* nullified the DOL notification requirement that forced employers with extended leave policies to grant twelve additional weeks of leave to employees under the FMLA.

According to Willman (2002) *Ragsdale* may be the first Supreme Court decision holding that an FMLA regulation is invalid. Other courts have made
rulings that also invalidated the FMLA regulation. There has been 58 reported court decisions in which the validity of 11 different FMLA regulations was at issue. Of the 58 court decisions, 51 included a ruling on the validity issue, while seven of them were decided on other grounds even though the validity of an FMLA regulation had been challenged.

However, according to Business and Legal Reports (2005) the March 31, 2005, deadline for the promised new FMLA regulations came and went. According to Victoria A. Lipinick, Assistant Secretary of Labor, Employment Standards Administration, the delay was in part to staffing needs. Lipinick told a congressional committee that about 20 Employment Standards Administration staffers had to shift their focus from examining the family medical leave issue to the new Fair Labor Standards Act rule governing how employers pay overtime to employees. Despite the persistent questions about the schedule for the FMLA regulations, Lipinick could only say there is no date set for when the FMLA rules will be published.

The population of the study consisted of 11 Human Resources Managers within a division of a global manufacturing company. A survey was designed based on a review of literature. The survey was created using a Likert Type scale. The survey was mailed to the respondents with a cover letter and a self-addressed return envelope. Descriptive statistics were used to analyze the data from the surveys.
CONCLUSIONS

Research Objective 1 was to determine the opinions of Human Resources Managers regarding employees' use of Family Medical Leave. Survey statements 1, 2, 3, 4, 5, 6, 7, 9, and 10 were designed to answer Research Objective 1. The human resources managers' opinion was the leave allowed by the FMLA is a positive benefit for the employees to use. However, they do feel that FML is not being used today to the intent of what the law was originally proposed for in 1993. The human resources managers felt that changes needed to be made to the FMLA to help with the abuse of leave allowed for a "serious health condition". With statements 4, 5, and 6; employees at this facility misuse leave, including intermittent and/or episodic leave allowed by the Family Medical Leave Act, the mode was 1 for all three statements, indicating that the human resources managers strongly disagree with that statement; therefore this research showed that employees do not misuse FML, intermittent and/or episodic leave at the targeted facilities. According to the descriptive statistics used the human resources managers surveyed did not experience an increase during the last year in the amount of requested Family Medical Leave at their targeted facilities. For training purposes of the FMLA, Question 9 and 10 showed that human resources managers agreed that they have been properly trained to approve employee requests for FML, as well as the supervisors have been properly trained to recognize if leave qualifies under the FMLA.

Research Objective 2 was designed to determine whether employees are excessively using Family Medical Leave benefits. According to the descriptive
statistics for Statement 8 the human resources managers surveyed disagree that FML is excessive at the facilities they represent.

Research Objective 3 was to determine Human Resources Managers topics for training on Family Medical Leave practices. According to the responses for Question 11 the most significant training need identified was how to determine if you have enough medical information to approve the requested FML. The least identified training need was the amount of time required to give notice for qualified leave. The other three training topics to choose from ranked equally as to the training needs for human resources managers for the FMLA these three topics were: proper documentation, how to track approved leave under the FML and how often the employer can require recertification of a “serious health condition”.

RECOMMENDATIONS

The study has shown that the group of human resources managers within a division of a global manufacturing facility indicates that the leave allowed by the FMLA is a positive benefit for the employees. The study also showed that this group is not experiencing misuse or abuse of the leave associated with the FMLA. Whereas the researchers manufacturing facility does experience misuse or abuse of FML as the literature revealed is a concern for employers.

It is the recommendation of the researcher in order to develop a better understanding in the differences of the literature and the survey findings that the problem associated with misuse or abuse of the FML at the researchers’ facility
was an exception and not the normal outcome. Further investigation should be done to determine the differences.

The human resources managers surveyed as well as the literature agree that the FMLA is not being used today in the intent of what Congress originally proposed for in 1993. The researcher recommends that all human resources professionals get involved to urge the Department of Labor to make changes to the FMLA that will be more inline with the original intent or spirit of the FMLA.

The study revealed that training for human resources professionals and supervisors is a key to better control and understanding of the leave associated with the FMLA. Even though the human resources managers surveyed felt that they and the supervisors they work with have received adequate training to approve and recognize qualified FML requests, the researcher recommends that more targeted training needs to be completed for the topics designated such as how to determine if you have enough medical information to approve the requested Family Medical Leave, how often the employer can require recertification of a “serious health condition”, how to track approved leave under the Family Medical Leave, proper documentation of approved leave and the amount of time required to give leave. By providing a more targeted approach to the training of human resources professionals and supervisors on specific topics of the FMLA would allow for a better understanding of the leave allowed and will improve the opportunities for a more successful working relationship between employers and employees.
The researcher makes the following recommendations for future research. The literature revealed that companies are experiencing misuse and abuse of leave allowed by the FMLA. However, the study showed the group of human resources managers targeted for this study does not experience misuse or abuse of leave allowed by the FMLA. Therefore the researcher recommends future studies be done to determine if the misuse and abuse of FML exists in the region or area in which the manufacturing facility is located to determine a cause for the difference.
References


Gray, W., Jorgensen, J., & Scanlan, F. (February 17, 2004). 11 Year Old FMLA is Need of Medical Treatment. *Society for Human Resources Professionals.*


Appendix A

FAMILY MEDICAL LEAVE ACT SURVEY

Please respond to the following statements by indicating if you:

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Please circle the corresponding number.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

1. I feel that leave allowed by the Family Medical Leave Act is a positive benefit for the employees to use.

2. I feel that Family Medical Leave is not being used today to the intent of what the law was originally proposed for in 1993.

3. I feel that changes need to be made to the Family Medical Leave Act to help with the abuse of leave allowed for a "serious health condition".

4. Employees at this facility misuse leave allowed by the Family Medical Leave Act.

5. Employees at this facility misuse intermittent leave allowed by the Family Medical Leave Act.

6. Employees at this facility misuse episodic leave allowed by the Family Medical Leave Act.

7. The amount of requested Family Medical Leave has increased during the last year at this facility.

8. The amount of leave requested under the Family Medical Leave Act is excessive at this facility.

9. I have been properly trained and understand how to approve the employee requests for leave under the Family Medical Leave Act.

10. The Supervisors have been properly trained to recognize if leave requested qualifies under the Family Medical Leave Act.


Place a check mark beside the topics listed below that describe the training needs at your facility to better control the abuse of leave allowed under the Family Medical Leave Act.

- □ The amount of time required to give notice for qualified leave.
- □ Proper documentation of approved leave.
- □ How to track approved leave under the Family Medical Leave Act.
- □ How often the employer can require recertification of a serious health condition.
- □ How to determine if you have enough medical information to approve the requested Family Medical Leave.
June 15, 2005

To: All Human Resources Managers of the AMSG Division of Kennametal Inc.

Please allow me to introduce myself; I am Rhonda Taylor, Human Resources Representative for the Chilhowie, Virginia manufacturing facility. I am currently pursuing a Masters’ Degree in Occupational and Technical Education from Old Dominion University, in Norfolk, Virginia. As a requirement of the program, I must complete a research project. After consideration of the many challenges that we face dealing with the Family Medical Leave Act (FMLA), I have elected to examine the topic of Human Resources Managers knowledge of the Family Medical Leave Act.

The attached survey is an instrument to measure the opinion of Human Resources Managers regarding employee use of Family Medical Leave, determine whether employees are excessively using Family Medical Leave, and determine Human Resources Managers topics for training on the Family Medical Leave practices. I am asking your assistance in my project by completion and return of the attached survey. There are ten questions that ask you to select whether you strongly agree, agree, disagree, or strongly disagree to the statements given. There is one question that asks you to check all that apply with regards to training needed for administration of the Family Medical Leave Act.

The survey should take a minimal amount of time to complete. Please be assured that the data collected will be kept strictly confidential and the surveys will be destroyed once the data has been analyzed. Please complete the survey and return by mail in the self-addressed postage paid envelope. In order to obtain information I would ask that you complete and return the survey no later than June 25, 2005.

Thank you very much for you input and time in completing the survey on Human Resources Managers knowledge of the Family Medical Leave Act.

Respectfully,

Rhonda Taylor
Human Resources Representative