

Surveillance Monitoring Of FMLA Abuses

Employer's Use of Surveillance —Practical Tips

Before considering surveillance, employers should *exhaust all other options*. Here are seven practical strategies for employers to implement.

1. Be proactive by creating detailed, uniform medical certifications that require physicians to explain the frequency of FMLA absences.
2. Require employees to update certifications at least every six months, in conjunction with an absence.
3. Require employees to specify the medical or family issue that requires the FMLA absence, and the exact work function that the employee would be unable to perform as a result of this medical or family issue.
4. Seek second or third opinions from medical professionals when investigating potential fraudulent claims, and make employees aware of this process.
5. Have a centralized process or point person — such as an FMLA administrator — to whom all employees are sent to apply for leave or to seek consultation in preparation to filing and taking FMLA leave.
6. Be aware of the identity of individuals submitting negative comments about others on FMLA leave — are they disgruntled employees or individuals with actual knowledge of alleged abuse?
7. Be aware of patterns, such as whether symptoms of which the employee complains frequently occur Friday-Monday, or repeat around the holidays.



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