
FMLA Intermittent Leave

***5 guidelines on managing intermittent leave
and curbing leave abuse under the new
FMLA regulations***

Special Report from:
BusinessManagement
DAILY

FMLA Intermittent Leave:

5 guidelines on managing intermittent leave and curbing leave abuse under FMLA regulations

Special Report from www.BusinessManagementDaily.com

EDITOR

Kathy A. Shipp

EDITORIAL DIRECTOR

Patrick DiDomenico

ASSOCIATE PUBLISHER PUBLISHER

Adam Goldstein

Phillip A. Ash

© 2012 Business Management Daily, a division of Capitol Information Group, Inc. All rights reserved. Substantial duplication of this report is prohibited. However, we encourage you to excerpt from this report as long as you include a hyperlink back to www.businessmanagementdaily.com/FMLAIntermittentLeave. The hyperlink must be included on every usage of the report title. Alternatively, you may simply link to the aforementioned page on our site. Any reproduction in print form requires advance permission by contacting the publisher at (800) 543-2055 or customer@BusinessManagementDaily.com. Any violation is subject to legal action.

This content is designed to provide accurate and authoritative information regarding the subject matter covered. It is provided with the understanding that the publisher is not engaged in rendering legal service. If you require legal advice, please seek the services of an attorney.

FMLA Intermittent Leave:

5 guidelines on managing intermittent leave and curbing leave abuse under FMLA regulations

One of the biggest employer complaints about the Family and Medical Leave Act (FMLA) has long concerned the productivity problems caused by employees' use—and abuse—of intermittent leave, according to a U.S. Department of Labor (DOL) report.

The problem: Employees with chronic health problems often take FMLA leave in short increments of an hour or less. That can cause a productivity, scheduling and cost predicament, especially in time-sensitive industries like health care, public safety and transportation. These unscheduled, intermittent leaves, the DOL report said, are “the most serious area of friction between employers and employees seeking to use FMLA leave ... no other FMLA issue even comes close.”

The DOL took a big step to help minimize workplace disruptions due to unscheduled FMLA absences in its revised FMLA regulations, which took effect in 2009. The DOL says that, in most cases now, employees who take intermittent FMLA leave must follow their employers' call-in procedures for reporting an absence, unless there are unusual circumstances.

In light of the revised FMLA regulations, make sure your organization's policies and employee handbook are up to date, and revisit how you track FMLA intermittent leave.

Managing FMLA Intermittent Leave: Guidelines #1

Revised FMLA regulations: 9 changes you must comply with

Since 1993, complying with the FMLA had always been complex, but at least the law (once you figured it out) stayed the same. But that all changed on Jan. 16, 2009 when the first major overhaul of the FMLA took effect.

The regulation update came after two years during which the DOL received more than 20,000 suggestions on changes from employers and employee groups.

“The new rules drastically changed the way much of the FMLA works,” said Matthew Effland, an employment law attorney with Ogletree Deakins in Indianapolis. 0“Some changes favor employers by offering greater flexibility in

The FMLA at a glance

The FMLA entitles eligible employees to take up to 12 weeks' unpaid leave per year for their own "serious health condition" or to care for a child, spouse or parent with a serious health condition. Leave is also available to care for a newborn or an adopted or foster child.

Employers with 50 or more employees within a 75-mile radius of the work site must offer FMLA leave to their eligible workers.

To be eligible, an employee must work for a covered employer for at least 12 months (but not necessarily 12 continuous months) and clock at least 1,250 hours during the 12 months leading up to FMLA leave. Paid time off, such as vacation or sick leave, doesn't count in calculating an employee's eligibility.

Employees don't have to take their 12 weeks of FMLA leave all at once. They can—and typically do—take small chunks of intermittent leave for a single, qualifying reason. They often use it while recuperating or when suffering from chronic conditions.

administering leave. But it's imperative that HR professionals ... have updated their policies so they don't inadvertently violate the law.”

Here are the most important changes in the updated regulations:

1. Military caregiver leave. Employees are allowed to take up to 26 weeks of unpaid FMLA leave in each 12-month period to care for family members who suffered a serious injury or illness while on active military duty.

2. Leave for families of National Guard and Reserve members. Families of National Guard and Reserve personnel on active duty are allowed to take up to 12 weeks of job-protected FMLA leave per year to manage their affairs.

The FMLA leave of the employee (a spouse, son, daughter or parent of the military member) must be related to certain qualifying circumstances related to the military service. The rules define a qualifying situation as one involving: (1) short-notice deployment; (2) military events and related activities; (3) child care and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities in which the employer and employee agree to the leave.

3. Revised definition of a “serious condition.” The updated regulations tinker with the definition of an FMLA-qualifying “serious health condition.” The law

says a serious condition must involve more than three full, consecutive calendar days of incapacity plus “two visits to a health care provider.” The new rules clarify that those two visits must occur within *30 days* of the period of incapacity.

4. Direct contact with doctor allowed. *Good news:* The regulations allow employers to *directly* contact an employee’s health care provider to seek clarification about information on an employee’s FMLA certification form.

Note: An employee’s “direct supervisor” is prohibited from making such inquiries. The rules give this right only to a “health care provider, a human resources professional, a leave administrator (including third-party administrators) or a management official.” Also, employers can’t ask doctors for information beyond what is required by the certification form.

5. Employer notice obligations. In addition to conspicuously posting a notice about your FMLA and complaint-filing procedures, you must provide the same notice in your employee handbooks (or distribute a copy of your FMLA policy upon hire).

Employers now have *five* business days—instead of *two*—to send out FMLA eligibility and designation notices to employees.

6. Less leeway for employees’ notice. Previously, the law was interpreted to allow employees to give notice of their need for FMLA leave up to two business days *after* being out on FMLA leave, even if they could have given notice earlier.

But the updated rules say that, in most cases, employees who take intermittent FMLA leave must follow the employer’s regular call-in procedures for reporting an absence, unless there are unusual circumstances.

7. Settlement of past FMLA claims allowed. The rules clarify that employees can retroactively (typically as part of a severance or settlement agreement) volunteer to settle their FMLA claims with their employers without getting court or DOL approval. Prospective waivers of FMLA rights will continue to be prohibited.

8. Light duty doesn’t count as FMLA leave. The rules make clear that the time employees spend performing “light-duty” work does *not* count toward their 12 weeks of FMLA entitlement. (This was included because at least two courts had ruled that employees used up their 12 weeks of FMLA leave while on light-duty assignments after FMLA leave.)

9. Perfect-attendance awards can be denied. Employers can deny perfect-

attendance awards to employees who take FMLA leave (and thus are absent) as long as they treat employees taking non-FMLA leave the same way.

For more details on the FMLA revisions, including a link to the regulations themselves, see www.theHRSpecialist.com/newFMLARules.

Managing FMLA Intermittent Leave: Guidelines #2

Strategy tips: Tracking intermittent leave

Even though managing intermittent leave can be vexing, the FMLA does give employers some tools to combat leave abuse.

As with FMLA leave taken in one block, employees requesting intermittent leave must provide you notice. Employees must give at least 30 days' notice when their need for FMLA leave is foreseeable. When it's not, they must notify you "as soon as practicable."

Certify and schedule the leave

Don't accept FMLA requests at face value. The law gives employers the right to demand certification from the employee's doctor of his or her need for FMLA leave. You can request new medical certification from the employee at the start of each FMLA year. The law also entitles you to ask for a second or third opinion, if necessary, before granting FMLA leave.

When employees have chronic conditions and their certifications call for intermittent leave, you should attempt to work out leave schedules as far in advance as possible. It's legal to try to schedule FMLA-related absences, but you can't deny them.

Key point: When a worker requests intermittent leave or a reduced schedule for foreseeable medical treatment, you can require the employee to try to schedule the treatment so that it's least disruptive to your business, such as making appointments after work. But you can only ask the employee to go so far. While the ADA does give you some leeway by not requiring you to provide an accommodation if it creates an "undue hardship" on your business, there's no such standard for FMLA leave. You can't refuse FMLA leave when workers are entitled to it or force them to return early from an injury for light-duty work.

It's important to immediately nail down the expected frequency and duration of intermittent leave. You can insist on a medical provider's estimate of how often the employee will need time off. You also can wait until the provider gives you that estimate to approve intermittent leave.

The best approach: Use the DOL's official certification form—WH-380E: [*Certification of Health Care Provider for Employee's Serious Health Condition*](#). Then review the form to make sure it's complete before you approve intermittent leave.

Seek recertification

What happens if employees use their initial FMLA certification to take intermittent leave in a noticeable pattern of Friday and Monday absences? You can seek recertification to verify the person's continuing need for time off.

The law says you can request recertification "on a reasonable basis." If the certification form doesn't specify a time limit, you can typically request recertification no more than once every 30 days.

Tip: If you receive information that makes you suspect FMLA leave abuse, you can ask for recertification more frequently. Fortunately, a recent DOL opinion letter says that a pattern of Friday/Monday absences counts as information that casts doubt on an employee's stated need for FMLA leave. That means you can seek recertification more frequently than every 30 days, as long as the request is made in connection with an absence.

Here are four tips on certifying leave requests:

- 1. Ask about the specific condition.** Medical certification must relate only to the serious health condition that is causing the leave. You can't ask about the employee's general health or other conditions.
- 2. Give 15 days to respond.** After you request certification, give employees at least 15 calendar days to submit the paperwork. If the employee's medical certification is incomplete or insufficient, specify in writing what information is lacking and allow the employee seven days to cure the deficiency.
- 3. If you doubt the need for leave,** investigate the certification. Under the updated FMLA regulations, your organization can contact the employee's physician directly to clarify the medical certification. Your contact person can be a health care provider, a human resources professional, a leave administrator (including third-party administrators) or a management official, but *not* the employee's direct supervisor.

4. If you're still not convinced, require (and pay for) a second opinion. Use an independent doctor that you select, not a doctor who works for your organization. If the two opinions conflict, you can pay for a third and final, binding medical opinion.

Monitor employees on leave

Sometimes, FMLA leaves just don't "feel right." As we've said, maybe it's a Monday/Friday pattern or some other conspicuous reason.

Courts consistently have upheld employers' rights to monitor employees on FMLA leave. Similar to workers' comp cases, employers that believe employees are abusing their FMLA leave can call and check to make sure sick employees are resting at home. Or, you can require the employees to contact you when they leave their homes during sick leave.

Employees who are found to be abusing leave can be disciplined in accordance with your organization's policy.

Carefully track leave

Tracking is a key component of managing intermittent leave. Employers may count leave in the smallest unit that their time-tracking system allows for nonexempt, hourly employees.

For exempt employees, leave can be taken in increments as small as one-half days. (FMLA regulations allow employers to reduce pay for unpaid leave without destroying an employee's exemption under the Fair Labor Standards Act.)

Whatever time measurement is used, it's still a fractional portion of a day. Employers are responsible for keeping track of the total amount of leave used. Inform employees of the amount of leave they have available at the start of each leave period.

Caution: Don't automatically terminate employees right after they use up their entire 12 weeks of FMLA leave. First, determine if the employee may be considered "disabled" under the ADA. That may entitle the employee to more time off as an ADA "reasonable accommodation." This is often the case when just a short period of additional time off is necessary for recuperation.

Intermittent-leave abuse? Double-check facts before you act

It may be tempting to discipline or fire employees whose leave patterns (e.g., falling on Mondays or Fridays) suggest abuse. But you're better off investigating thoroughly *before* you act. *Here's why:*

If you're wrong and the employee can prove he or she really was suffering from whatever ailment or condition the intermittent leave covers, you won't have much of a defense when the person sues.

Case in point: Evet Vaughn, who has a chronic heart disorder, worked as a dealer at Bally's Atlantic City. She also had a part-time job at the Borgata, another Atlantic City casino.

Vaughn had applied for and was granted intermittent FMLA leave so she could leave early on days her heart problem caused pain. She would then go home, take medication and rest.

All went well until she left early toward the end of a shift at Bally's and went home. She claims she took her medicine, had a nap and felt better so she went to the Borgata for her shift. While she was dealing blackjack, one of Bally's managers strolled by.

Later that evening, Vaughn became ill and went to the hospital. But when she returned to work at Bally's, she was fired for fraudulently using intermittent leave. She sued, and the court ordered a trial. (*Vaughn v. Bally's*, DC NJ)

Final note: Worried about employees using intermittent leave to work a second job? Solve the problem by having a company policy that prohibits moonlighting.

Managing FMLA Intermittent Leave: Guidelines

#3

Sniff out suspicious FMLA requests: An 11-step plan

Use of the medical certification process is the biggest weapon employers have in combating potential fraud under the FMLA. It gives you the right to obtain information from the employee's physician about the ailment and, at least for the first certification, to obtain a second or third opinion from an independent physician.

The following steps are important parts of an effective anti-fraud program:

1. Obtain a medical certification for each request for leave due to a serious health condition. It's important that your sick leave or attendance policy requires a doctor's certification for all absences of three or more days for the leave to be excused. If there's no such requirement and you intend to require paid leave to run concurrent with FMLA leave, you might not be able to require a medical certification, which is the first step in an anti-fraud program.

2. Enforce a policy denying the leave request if an employee fails to submit certification within 15 days. In each instance, assess any appropriate penalties for failure to be at work.

3. Examine the certification closely to ensure it's been properly and fully completed. Many doctors will complete the form in a hurried fashion. In some cases, they'll intentionally leave some sections incomplete in order to remain "truthful" while accommodating the desires of the patient/employee for leave.

If the medical certification is incomplete, specify in writing what information is lacking and allow the employee at least seven days to cure the deficiency. If the employee fails to do so, deny the leave request. Of course, if the medical certification doesn't support the existence of a serious health condition, you should deny the request.

4. Require a second opinion if the circumstances are even slightly suspicious and it's an original certification.

5. Once the certification is approved, make a limited inquiry each time the employee requests more leave, particularly in the case of intermittent leave. The goal is to determine whether the leave is for the same qualifying reason.

6. Watch the schedule of absences closely in cases of intermittent leave to determine whether a suspicious pattern develops (e.g., immediately before and after weekends or days off) or whether there's a change in the frequency or timing. Such actions could suggest a change in condition that enables you to request a recertification.

7. Request recertifications as often as the law allows. The frequency of recertification permitted will differ depending on the type of leave and the type of serious health condition.

8. Require accrued leave to run concurrently with FMLA leave when allowed by law. When an employee realizes that taking leave today will affect future vacation time, he or she is more likely to take FMLA only when the need is legitimate.

9. Ask the physician to verify that the medical certification is exactly as he or she signed it and has not been altered.

10. Inquire about the intended method of transportation if an employee requests to leave work early because of his or her own serious health condition. If the employee can't work, perhaps an ambulance is needed.

11. Aggressively pursue potential fraud, and if concrete evidence of fraud is discovered, take appropriate disciplinary action. Always follow up on reports from fellow employees or other sources that the employee does not, in fact, need leave.

Final note: Even if these actions uncover no fraud, your efforts will still reap dividends. Once employees become aware that you intend to use these tools to detect fraud, employees otherwise inclined to take advantage of the FMLA will wait until a legitimate need arises.

FMLA now covers care by same-sex parents

In 2010, the DOL issued a broad interpretation of the definition of “son or daughter” under the FMLA. It clarified that any employee who assumes the role of caring for a child will receive parental rights under the FMLA, regardless of the biological relationship.

For example, an employee who cares for a domestic partner’s child—or whose partner gives birth or adopts a child—is now eligible to take FMLA leave to care for the child.

The new rule applies regardless of sexual orientation or conventional family ties. That means it also covers FMLA leave for extended family members. For example, an uncle who is caring for his sick niece while the child’s single parent is called into military duty is eligible.

Managing FMLA Intermittent Leave: Guidelines

#4

Use the calendar-year method to tame the intermittent-leave beast

Employees who take intermittent leave can wreak havoc with work schedules. Because their conditions can flare up at any time, their absences are by nature unpredictable. But there are ways you can legally curtail intermittent leave.

One way is to use the calendar-year method to set FMLA leave eligibility.

Here’s how it works. Sometime during the calendar year, an employee submits medical documentation showing she will need intermittent FMLA leave for a chronic condition. If she is eligible for leave at that time (because she has worked for the employer at least one year and has worked more than 1,250 hours in the preceding 12 months), she can take up to 12 weeks of intermittent leave until the end of the calendar year.

Then the process starts again.

If, on Jan. 1, she hasn't worked 1,250 hours in the preceding 12 months, she's no longer eligible—and won't be eligible again until she hits 1,250 hours.

Case in point: Candice Davis worked for Bell Telephone and suffered from chronic depression. She had many unexcused absences and was close to termination for violating the company's attendance policy.

By September, she reached the 1,250-hour threshold (she had already worked for the company for more than one year) and became eligible for FMLA leave.

She asked her therapist to certify that she suffered from a chronic serious health condition that required intermittent leave. The phone company granted her FMLA request, and she missed work periodically through the fall because of episodes of depression. Then she didn't return to work after taking intermittent leave at the end of December.

The company terminated her for violating the attendance policy. She sued, alleging she hadn't used up all 12 weeks of her intermittent leave.

The 6th Circuit Court of Appeals rejected her claim. It reasoned that employers that use the calendar method could start the FMLA process over at the beginning of the year. She would have had to meet the 1,250-hours eligibility requirement on Jan. 1. She didn't because of her absences in the preceding year. (*Davis v. Michigan Bell Telephone*, No. 07-1512, 6th Cir.)

Final note: Employees who are approved for FMLA intermittent leave can take that time off as needed. But that doesn't mean you aren't entitled to some supporting documentation for each absence. You can ask for proof that the absence was for the chronic condition—but a simple doctor's note to that effect should suffice. No new formal certification is required.

Wait until the end of your FMLA leave year to get the new intermittent-leave certification.

Managing FMLA Intermittent Leave: Guidelines

#5

Readers' questions on administering intermittent leave

Here's a sampling of questions on managing FMLA intermittent leave, submitted by readers of Business Management Daily and answered by employment law attorneys.

Can we look deeper into dubious FMLA intermittent leave?

Q. If an employee calls off intermittently for migraine headaches, how can we verify the real reason for the leave? Can we ask for information each time the employee is absent?

A. You're certainly not the only employer to complain about employees taking advantage of intermittent leave. Many employers have struggled with employees whose conditions seem to flare up on Fridays and Mondays. There's no way to stamp out this type of abuse altogether. However, you can minimize it by making sure that you promptly designate all time off—including intermittent leave—to help you exhaust the 12-week FMLA clock as quickly as possible.

Also, don't accept FMLA certification forms that include blanket statements, such as "intermittent leave recommended." You have the right to demand more specific information. If you have reason to be suspicious of a certification, you can send the employee to a company-selected physician for a second opinion.

Is there such a thing as intermittent childbirth leave?

Q. One of our employees, who recently immigrated to the United States, is pregnant. She has informed us that she expects to take eight weeks of FMLA leave immediately after the child is born. Then after a few months, she would like to return to her home country to visit with family for a month. In other words, she wants to split up FMLA leave into an eight-week period and a four-week period. Can FMLA leave for a new child be split up in this manner?

A. The first question to ask is whether the employee, if she's a "recent immigrant," has worked long enough (one year) to qualify for FMLA coverage.

Assuming the employee is in fact eligible for FMLA, your question raises an issue relating to intermittent leave. DOL regulations *do not require* an employer to grant intermittent leave for childbirth. An employer may, of course, voluntarily agree to permit the employee to split up her FMLA leave.

It's also important to make sure that the reason the parent is requesting intermittent leave is only because of the birth of her child. If the leave were required because either the mother or the child had a serious health condition, the law would allow taking the leave in two or more parts.

Applicable regulation can be found at 29 C.F.R. 825.203(e).

Can we require certification every time an employee takes FMLA intermittent leave?

Q. We have an employee with a chronic condition. We granted her intermittent FMLA leave provided she gave us a certification each time she takes time off for the condition. We have to constantly remind her to turn in the form. She also won't call HR when she's sick but leaves a message with the front desk. This makes it hard to track her usage. Can we terminate her for refusing to follow the instructions laid out on the FMLA approval form?

A. It sounds like you are treading on thin ice. For chronic conditions, employers can request recertification no more often than every 30 days and only in connection with an employee's absence (unless you receive information that casts doubt on the employee's stated reason for the absence).

Note: The DOL has said that an employee's pattern of absences (e.g., taking Mondays and Fridays off for FMLA leave) may, by itself, cast doubt on the employee's stated reason.

If an employee works fewer hours now, is she still eligible for FMLA leave?

Q. We have an employee with a chronic health condition who began taking FMLA intermittent leave in February. She had worked more than 1,250 hours in the 12 months before the leave started. By June, she had dropped below 1,250 hours. Does she lose her eligibility now?

A. According to the DOL, employees need to satisfy the 1,250-hour eligibility test only once during the 12-month FMLA leave year. That point is at the start of a series of intermittent absences, if all involve the same FMLA-qualifying serious health condition.

The employee remains entitled to FMLA leave throughout that 12-month period, even if the 1,250-hour calculation is not met at some later point in the 12-month period. Eligibility isn't recalculated until 12 months have passed from the first intermittent-leave absence.

Can we switch a salaried employee to hourly to deal with pregnancy-related absences?

Q. Our office manager, who is pregnant, has begun coming in late two or three times a week due to morning sickness. Because she is a salaried employee, we know that we cannot deduct from her wages for partial-day absences. Can we change her position to one that is paid on an hourly basis

until she returns from her maternity leave?

A. If she meets the eligibility requirements, and if you employ more than 50 employees, your office manager may be entitled to intermittent leave under the FMLA for her morning sickness. The FMLA permits employers to deduct pay for intermittent leave without running afoul of the Fair Labor Standards Act's salary requirements.

If she does not qualify for leave under the FMLA, be careful in changing her employment terms and conditions during her pregnancy. The Pregnancy Discrimination Act requires you to treat pregnant employees the same as any other employee who has a temporary disability due to reasons other than pregnancy. Your better choice would be to work with this employee to come up with a mutually acceptable solution to the problem.

What can we do if FMLA intermittent leave goes beyond the doctor's estimate?

Q. An employee with asthma obtained medical certification for her intermittent FMLA leave. It said her expected absence frequency was three to five times per month. This month, she took six days off. Must we count the last day as intermittent leave, or can we rely on the upper estimate from her doctor?

A. If the employee is taking time off in excess of the estimated time, you should confirm with the employee why she is actually taking time off (i.e., her illness versus another reason). However, as long as the employee is taking time off for her FMLA-qualifying illness, you always should count the actual time without regard to any prior estimates by the physician or the employee.

The actual time off (not the doctor's estimate) is what determines how much time the employee has left under the FMLA or other leave laws or policies. That said, if the employee's requests for time off begin to significantly exceed the time stated on her original FMLA certification, you should ask for a new certification from her physician.

Did you find this report useful? Download more [Free Reports](http://www.businessmanagementdaily.com/free-reports), at <http://www.businessmanagementdaily.com/free-reports>.

10 Secrets to an Effective Performance Review: Examples and tips on employee performance evaluation, writing employee reviews, a sample performance review and employee evaluation forms.

Learn how to conduct positive, valuable assessments that lead to maximizing staff performance and helping your employees achieve their professional goals and your organization's objectives. Use Business Management Daily's practical advice for writing employee reviews and conducting performance evaluations. Don't forget to reference our sample performance review and employee evaluation forms for your own staff assessments.

<http://www.businessmanagementdaily.com/EffectivePerformanceReview>

Workplace Conflict Resolution: 10 ways to manage employee conflict and improve office communication, the workplace environment and team productivity

Learn how to manage employee conflict and improve office communication and team productivity. Disputes between employees are inevitable...left unresolved, they can disrupt your department's productivity, sap morale and even cause some good employees to quit. Learn 6 steps for managing "difficult" employees, what to do when employees resent another's promotion, learn when and how to step in to referee disputes, and much more.

www.businessmanagementdaily.com/WorkplaceConflictResolution

Maternity Leave Laws: 7 guidelines on pregnancy discrimination law, state maternity regulations, pregnancy disability leave, plus a sample maternity leave policy

It's important to know what you must do—and what you can't do (or say)—under federal anti-discrimination and maternity leave laws. And it's vital to double-check state maternity leave statutes, which may provide more liberal leave benefits. While no federal law requires you to provide paid maternity leave, most employers must comply with the pregnancy discrimination law and FMLA maternity leave regulations. Here are 7 guidelines on how best to comply with maternity leave laws, plus a sample leave policy you can adapt for your own organization.

www.businessmanagementdaily.com/MaternityLeaveLaws

The Office Organizer: 10 tips on file organizing, clutter control, document management, business shredding policy, record retention guidelines and how to organize office emails

Learn how to keep your office operations running smoothly—and ward off chaos and legal trouble—with practical document management techniques for administrative professionals, office managers and HR professionals.

www.businessmanagementdaily.com/OfficeOrganizer

Best-Practices Leadership: Team management tips and fun team-building activities to boost team performance, collaboration and morale

Learn new team management tips and team-building activities to boost team performance, collaboration and morale. Take our leadership assessment exercise to gauge your own performance as a team manager. See how businesses of all sizes are getting creative with team-building icebreakers and activities. Fight off team complacency with 5 strategies for making team-building exercises part of your daily routine.

www.businessmanagementdaily.com/LeadershipTeamManagement

Employment Background Check Guidelines: Complying with the Fair Credit Reporting Act, conducting credit background checks and running a criminal check to avoid negligent-hiring lawsuits

Employment Background Check Guidelines shows employers and HR professionals how to properly conduct reference/background checks, select third-party background firms and why screening candidates online on social networking sites is legally risky business. Don't allow your organization to risk being held liable for "negligent hiring" or "failure to warn" should an employee turn violent on the job.

www.businessmanagementdaily.com/BackgroundCheckGuidelines

Salary Negotiating 101: 7 secrets to boosting career earnings, negotiating a raise and striking the best deal in a job offer negotiation

Think you deserve a raise, but are afraid to walk into your boss's office and ask? Don't let ineffective negotiation skills hold you back. Employees at all levels can boost their career earnings by following the rules on negotiating a raise, hashing out the best pay package in a job offer negotiation and knowing their market value.

www.businessmanagementdaily.com/SalaryNegotiating101

FMLA Intermittent Leave: 5 guidelines to managing intermittent leave and curbing leave abuse under the new FMLA regulations

One of the biggest employer complaints about the Family and Medical Leave Act (FMLA) is the productivity problems caused by employees' use—and abuse—of FMLA intermittent leave. The problem: Employees with chronic health problems often take FMLA leave in short increments of an hour or less. The Department of Labor took steps to help minimize workplace disruptions due to unscheduled FMLA absences by saying that, in most cases, employees who take FMLA intermittent leave must follow their employers' call-in procedures for reporting an absence. Amend your organization's policies, update your employee handbook and revisit how you track FMLA intermittent leave with these 5 guidelines.

www.businessmanagementdaily.com/FMLAIntermittentLeave

Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes

Employers, beware: The Department of Labor's Wage and Hour Division reports that wage-and-hour labor litigation continues to increase exponentially. Federal class actions brought under the Fair Labor Standards Act (FLSA) outnumber all other types of private class actions in employment-related cases. Use this special report, Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes, to review your overtime pay policy and double-check your FLSA exempt employees' status. Expecting a visit from a DOL auditor? Get prepared by taking the self-audit at the end of this report.

www.businessmanagementdaily.com/OvertimeLaborLaw

Office Communication Toolkit: 10 tips for managers on active listening skills, motivating employees, workplace productivity, employee retention strategies and change management techniques

A manager's job is 100 times easier and more rewarding when his or her employees are performing like a well-oiled machine. But when that machine runs slowly or breaks down entirely, a manager's job becomes exponentially harder. The best managers are the best listeners ... listen to our 10 tips and maximize office communication skills and bolster workplace productivity.

www.businessmanagementdaily.com/OfficeCommunicationToolkit

Workplace Violence Prevention Toolkit: HR advice, guidelines and policies to keep your workplace safe

Unfortunately, in the wake of a spate of workplace shootings, HR professionals and managers nationwide must consider the horrific possibility of violence erupting at their own facilities and events. To help employers prevent tragedy, this toolkit offers business advice, guidelines and policies aimed at keeping workplaces safe from employee violence. Learn prevention strategies, tips on identifying potentially violent workers, managerial advice on maintaining a safe workplace. It includes two sample anti-violence policies, adaptable for use in any company, plus checklists to use in case violence erupts.

www.businessmanagementdaily.com/WorkplaceViolencePrevention

14 Tips on Business Etiquette: Setting a professional tone with co-workers, clients and customers

For organizations and employees alike, recognizing the critical link between business protocol and profit is key to your success. Learn how to confidently interact with colleagues in ways that make you and your whole organization shine. Discover best practices on making proper introductions; cubicle etiquette; “casual dress” rules; handshake protocol; guest etiquette; workplace behavior faux pas; business dining etiquette, office wedding invites and other co-worker special occasions; business letter and email protocol—and even how your office decorations may affect your professional image.

www.businessmanagementdaily.com/BusinessEtiquette101

12 Ways to Optimize Your Employee Benefits Program: Low-cost employee incentives, recognition programs and employee rewards

If you've had to cut pay and staff and now expect more from those who remain, it's vital to revamp your employee recognition and rewards program. Employers can double their rewards and recognition efforts in innovative, cost-efficient ways with employee-of-the-month awards, employee incentive pay, employee appreciation luncheons, more time off, shopping sprees, wellness incentive contests, plus employee rewards customized to motivate Millennials, Gen Xers, Baby Boomers and the Matures. Now is the time to get clever with your employee recognition programs. This report shows you how with great ideas offered up from our [Business Management Daily](#) readers.

www.businessmanagementdaily.com/EmployeeBenefitsProgram

The Case in Point Yearbook: Real-Life Employment Law Advice ... from Mindy Chapman's Case in Point blog

Mindy Chapman, Esq., has been providing sound employment law advice in her Case in Point blog since 2007. In her trademark entertaining style, she dissects an important employment law court ruling and provides essential employment law advice via three "Lessons Learned." Topics include: ADA guidelines, age discrimination cases, sexual harassment laws, EEOC cases, FMLA requirements and more.

www.businessmanagementdaily.com/CIPYearbook

The Bully Boss Strikes Again! How to deal with bosses who make crazy requests

And you thought your boss was unreasonable? Bet he never asked you to perform oral surgery or fill in for the bomb squad. Talk about “other duties as assigned!” Even if your direct supervisor swamps you with petty tasks and doesn't appreciate all you do, you can always “manage up” to make sure the boss's boss knows your worth. This report includes practical advice on how to manage a toxic boss along with dozens of outrageous stories about bully bosses.

<http://www.businessmanagementdaily.com/BullyBoss>

Microsoft Email: Outlook Tips & Training: How to improve productivity by effectively employing under-used features already at your fingertips

We all use Outlook. It's easy. You can answer email, keep your appointments and your calendar, and save your files in various folders. But are you using it to manage your entire workflow? You can. Melissa P. Esquibel combines her 25+ years of experience in information technology with a background in training, technical writing and business risk analysis to move beyond email and help you understand Outlook's amazing workflow benefits. You'll discover how to get more out of Outlook than you ever dreamed possible with this hands-on road map to Outlook that can send your productivity skyrocketing.

<http://www.businessmanagementdaily.com/MicrosoftEmailOutlook>

17 Team Building Ideas: The team building kit for managers with team building exercises, activities and games to build winning teams today!

With employees still reeling from workplace budget cuts, now's a great time for new team building ideas. No, you don't need an expensive round of paintball to gain the benefits of team building exercises, but you do need to squeeze the most out of them. This report provides teamwork examples, exercises and tips for leading winning teams. Go from being a manager who oversees people to a leader who molds them into winning teams with these 17 team building ideas.

www.businessmanagementdaily.com/TeamBuildingIdeas

10 Time Management Tips: A how-to guide on efficiently managing your time through effective delegating, calendar management and using productivity tools

In this era of downsizing and the quest for efficiency, businesses of all sizes are asking employees to take on extra tasks to boost productivity. Has your job turned into one of those "stretch jobs"? If so, you may be looking for a better way to get more done in less time, reduce stress and stop burning the midnight oil. Read about calendar management, keyboard shortcuts, running productive meetings, setting up agenda templates and using tech tools for project management with these 10 time management tips. Learn to prioritize your tasks and stop working in a crisis mode all the time

www.businessmanagementdaily.com/TimeManagementTips

About Business Management Daily

Business Management Daily is a free news website of the Capitol Information Group, providing sound news and advice since 1937.

At Business Management Daily, we're driven to help organizations and individuals succeed. That's why we deliver plain-English, actionable advice to high-performers at over 80,000 companies of all sizes across hundreds of different industries.

Our [Free Email Newsletters](#), [Print Newsletters](#), [Free Special Reports](#) and [Webinars, Podcasts, Audio Conferences & CDs](#) help provide business professionals with the news, skills and strategies they need to grow their business, avoid legal pitfalls and advance their careers.

Our [editorial team](#) includes experienced managers, leaders, HR professionals, lawyers, administrative professionals, CPAs, strategists and business owners from a wide variety of industries.

A Promise to Our Readers

To help you advance your career or business, we will:

- Provide expert advice that is accurate, intelligent and timely
- Save you time by making that advice concise, actionable and available in your preferred format
- Guarantee 100% satisfaction with customer service that exceeds your expectations

Visit us at: <http://www.businessmanagementdaily.com/>