

Notifying Employees of FMLA Leave Approval

When the employer has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the employer must notify the employee whether the leave will be designated and counted as FMLA leave **within five business days**, unless there are extenuating circumstances. The Designation Notice must be in writing; employers may use the optional form [WH-382](#) for this purpose. If the leave is not designated as FMLA leave because it does not meet the law's requirements, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. For more information, please [click here](#).

Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave, or intermittent or reduced schedule leave.

Among other information, the Designation Notice will tell the employee whether his or her request has been accepted, and what, if any, additional documentation is required. The Designation Notice also informs the employee:

- Of the amount of time that will be counted against his or her leave entitlement;
- Of the employee's responsibility to notify the employer if dates of scheduled leave change or are extended, or were initially unknown;
- Whether, due to the employee's request, any paid leave taken will count against his or her FMLA leave entitlement;
- Whether the employer is requiring the employee to substitute or use paid leave during his or her FMLA leave;
- Whether the employer is requiring the employee to present a [fitness-for-duty certificate](#) to be restored to employment; and
- Whether the employer is exercising its right to have the employee obtain a second or third opinion medical certification at the employer's expense.

For more on this topic, please [click here](#).

Additional Information

- [Family and Medical Leave Act Compliance Assistance from the Department of Labor](#)
- [Fact Sheet on the FMLA](#)
- [Family and Medical Leave Act Regulations, By Subpart](#)
- [FMLA 2010 Military Amendments](#)
- [The Family and Medical Leave Act Poster](#)
- [The Family and Medical Leave Act Poster — in Spanish](#)
- [The Employee's Guide to the Family and Medical Leave Act](#)