



FMLA Notice Timeline Tracker

Every FMLA notice deadline on one page — from trigger event to return-to-work — with dates you can defend.

WHAT THIS HELPS YOU DO

Use this tracker from the moment FMLA is triggered to hit every notice deadline — eligibility, rights and responsibilities, certification, and designation — and to document that each notice actually went out on time.

WHEN TO USE THIS DOCUMENT

- The day an employee requests leave, or you learn of a qualifying reason
- When an absence 'might be' FMLA — surgery mentioned, hospitalization, new baby
- When certification comes back incomplete or late
- When leave is running and intermittent absences continue
- Before any discipline or termination involving an employee on or near FMLA leave

WHAT THIS DOCUMENT HELPS PREVENT

- Interference claims from missed 5-business-day notice deadlines
- Losing the right to designate leave retroactively
- Certification disputes with no documented cure window
- Terminations that land mid-leave with no paper trail
- FMLA time that never gets counted because designation never happened

Faulkner HR Solutions focuses on the system behind the people problem. This tool is designed to help employers slow down the decision, identify the risk, and create proof before the issue becomes a claim, complaint, turnover event, or credibility problem.

BEFORE YOU START: READINESS CHECKLIST

Gather the following before working through this document. Incomplete inputs are one of the most common reasons employer decisions fail under later scrutiny.

Have it	Input	Notes / location
<input type="checkbox"/>	Employee name and role	
<input type="checkbox"/>	Date of incident, request, or separation	



Have it	Input	Notes / location
<input type="checkbox"/>	Supervisor involved	
<input type="checkbox"/>	Policy or handbook section that applies	
<input type="checkbox"/>	Prior documentation on file	
<input type="checkbox"/>	Pay records, if applicable	
<input type="checkbox"/>	Relevant emails, texts, notes, or complaints	
<input type="checkbox"/>	Decision-maker name	
<input type="checkbox"/>	Deadline, if applicable	



FMLA TIMELINE TRACKER

FMLA compliance is mostly deadlines. The employer's clock usually starts before the employee says the letters F-M-L-A — it starts when you have enough information to suspect a qualifying reason.

Part 1 — Trigger

Employee name and position	
Date employer first learned of a possibly qualifying reason	
How it surfaced (request, call-in, supervisor report, medical note)	
Qualifying reason category (own condition, family care, bonding, military family)	
Leave type expected (continuous, intermittent, reduced schedule)	

Part 2 — Eligibility Review

Met?	Eligibility element	Data / source
<input type="checkbox"/>	12 months of employment (need not be consecutive)	
<input type="checkbox"/>	1,250 hours worked in the 12 months before leave starts	
<input type="checkbox"/>	Worksite has 50+ employees within 75 miles	
<input type="checkbox"/>	FMLA leave available in the applicable 12-month period (check the balance)	

Part 3 — Notice Deadlines

Notice	Deadline	Date due	Date sent	Method
Eligibility Notice (WH-381)	5 business days after leave request / knowledge			
Rights & Responsibilities Notice	With the eligibility notice			
Certification request	With eligibility notice (15 calendar days for employee to return it)			
Designation Notice (WH-382)	5 business days after enough info to determine FMLA qualification			



Part 4 — Certification Tracking

Done	Certification step	Dates
<input type="checkbox"/>	Certification received (date) — or 15-day window expired	
<input type="checkbox"/>	If incomplete/insufficient: written notice of deficiencies, with 7 calendar days to cure	
<input type="checkbox"/>	Clarification/authentication handled through HR — supervisors never contact the provider	
<input type="checkbox"/>	Second opinion requested? (employer's expense)	
<input type="checkbox"/>	Recertification schedule noted, if intermittent	

Part 5 — Leave in Progress

Leave start date and expected duration	
FMLA hours/weeks used to date (update regularly)	
Benefits continuation confirmed (premium payment arrangement)	
Intermittent absence log location	
Contact expectations during leave (reasonable, documented)	

Part 6 — Return to Work

Done	Return step	Date / notes
<input type="checkbox"/>	Fitness-for-duty certification required? (only if policy requires it uniformly and it was stated in the designation notice)	
<input type="checkbox"/>	Restored to same or equivalent position — pay, benefits, shift, location	
<input type="checkbox"/>	Any schedule or duty change reviewed against 'equivalent position' standard	
<input type="checkbox"/>	If not returning: reason documented; ADA accommodation review before separation	
<input type="checkbox"/>	Leave balance closed out and records filed (retain 3+ years)	

Role	Name / signature	Date
Tracked by (HR)		
Reviewed by		



STOP AND REVIEW BEFORE ACTING

If any statement below is true, pause. Get the decision reviewed by HR, counsel, or Faulkner HR Solutions before you act.

- The employee never said 'FMLA' — but described surgery, hospitalization, or a serious condition, and no eligibility notice went out.
- Discipline or termination is being considered for someone on, returning from, or recently denied FMLA leave.
- A supervisor contacted the employee's doctor directly.
- Attendance points were assessed for absences that should have been FMLA-protected.
- Leave was never formally designated, and now the employer wants to count it.
- The returning employee is being offered a 'similar' job that pays less or works worse hours.

MINIMUM DOCUMENTATION STANDARD

Before this file is closed, the employer should be able to answer every question below and point to where the proof lives.

Question	Your answer / where the proof is stored
What happened?	
When did it happen?	
Who observed or reported it?	
What policy, standard, deadline, or expectation applies?	
What decision was made?	
Who had authority to make the decision?	
What alternatives were considered?	
What risk was reviewed?	
What follow-up is required?	
Where is the proof stored?	

COMMON MISTAKES

1. Waiting for the employee to invoke FMLA by name — the employer's duties start with knowledge of a qualifying reason.
2. Missing the 5-business-day eligibility and designation windows.
3. Treating an incomplete certification as a denial instead of issuing a 7-day cure notice.
4. Letting supervisors call the doctor's office.



5. Counting FMLA-protected absences in a no-fault attendance point system.
6. Restoring the employee to a 'similar' position that is worse in pay, shift, or duties.
7. Never designating leave, then trying to count it retroactively at termination time.

WHAT TO DO NEXT

Keep this tracker in the employee's leave file (separate from the general personnel file), update the leave balance as absences occur, and calendar every deadline the day it is set. If discipline or separation is contemplated at any point in the timeline, stop and route it through the Retaliation Risk Map first.

Before you terminate, deduct, discipline, classify, or respond, get the decision reviewed.

Call 210.446.8730 or email thomas@faulknerhrsolutions.info.



Before you process payroll, terminate, classify, deduct, or respond to a claim, get the decision reviewed.

Need help applying this to a real workplace decision?

Faulkner HR Solutions helps Texas employers, nonprofits, municipalities, and growing businesses fix the people systems behind recurring workplace problems.

If this document raised a risk flag, do not guess your way through the next step.

Call: 210.446.8730

Email: thomas@faulknerhrsolutions.info

Website: faulknerhrsolutions.info

DISCLAIMER

This resource is provided for general employer education and planning purposes. It is not legal advice and does not create an attorney-client relationship. Employment laws, agency guidance, and local requirements may change. Employers should review the facts of each situation before acting and consult appropriate HR or legal counsel when needed.