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## California 2019 FMLA/CFRA Master Class (blr)

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**Date :** Mar 19, 2021 - 07:30 AM - Mar 20, 07:30 AM

**Event URL :** <http://www.nyeeventslist.com/events/california-2019-fmla-cfra-master-class-blr-mar-2019>

**Organizer :** BLR – Business and Legal Resources

**Venue :** Sheraton Grand Sacramento Hotel

**Location :** 1230, J St  
Sacramento, CA, USA, ZIP: 95814

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## 2019 FMLA/CFRA Master Class: California Advanced Skills for Employee Leave Management

**On-Site Seminar:** Sacramento, CA | Tuesday, March 19, 2019

Morning Focus: Mastering FMLA/CFRA Fundamentals Afternoon Focus: FMLA Compliance Scenarios and Case Studies for Real-World Application

Think employee leave management is a one-time policy issue? Be careful! New and confusing regulations, conflicting court decisions, and increasing employee abuse of FMLA protections means family and medical leave will remain one of HR's biggest management headaches.

To help you master your obligations and avoid costly penalties, the publisher of your state's Employment Law Letter has crafted a cost-effective and engaging solution: 2019 FMLA/CFRA Master Class: California Advanced Skills for Employee Leave Management This intensive day-long workshop provides the comprehensive knowledge you need to master real-life issues. Experienced attorneys will provide substantive instruction on fundamental FMLA compliance principles in light of new and existing regulations, court rulings, and application of this far-reaching law. You'll engage with your instructors and your peers, solving challenges you face day in and day out concerning intermittent leave, return to work, employee performance, and much more.

This event teaches employee leave management essentials while instilling the confidence you need to make the right coverage calls, control abuse and fraud, answer the toughest questions from employees and your executive colleagues, and avoid the expensive missteps that have devastated other employers.

You'll enhance your advanced-practitioner skill set when you attend this satisfaction-guaranteed event and learn:

How to judge a "serious health condition" the way a real judge would, and eliminate disputes about what does and doesn't constitute it The latest FMLA revisions, so you don't risk noncompliance What recent FMLA court decisions really mean, so you can adjust your policies accordingly Why FMLA recordkeeping continues to trip up even the savviest human resource managers, and some solutions to avoid similar mistakes How to tame the intermittent leave and reduced schedule beasts, and put a stop to abuse and fraud How FMLA, ADA, and state workers' comp laws overlap, so you can avoid violations And more!

## **Master Class Agenda**

Registration 7:30 – 8:30 a.m.

### **Part I—Mastering FMLA/CFRA Essentials**

**FMLA/CFRA Eligibility: Granting Leave When It's Due and Getting It Right 8:30 a.m. – 9:00 a.m.** Could you be missing critical first steps in managing FMLA leave—determining employee eligibility? A defined, consistent process helps you not only deny leave when employees don't qualify, you'll grant leave for a period that is reasonable and necessary when they do. In this opening session, gain new insights on eligibility determinations and recent trends and developments affecting leave. You'll be armed to adjust policies and practices in 2019 to ensure compliance with the changing regulatory, legal, and practical landscape. You'll learn:

How to determine FMLA eligibility quickly and easily How the FMLA rules and related court decisions define who qualifies as a covered family member How to coordinate leave for workers caring for adult children Rules related to determining in loco parentis status How to coordinate state and federal leave when definitions of "covered family member" differ

**Managing Serious Health Conditions and Medical Certifications 9:00 a.m. – 10:00 a.m.** At the heart of many FMLA leave requests is the serious health condition. The regulations do offer some guidance and allow you to require medical certification, yet there are a multitude of reasons for needing time off. Assessing those reasons requires keen judgment, and this session will show you how to make the right call. You'll learn about:

Illnesses and injuries that may be serious health conditions -- even though the regulations say they generally aren't How many health conditions it takes to be "serious" What to do if a medical certification is incomplete or unclear Your options if an employee or doctor doesn't cooperate with obtaining the required certifications When you may require employees to provide

recertification of a serious health condition The “do’s and don’ts” of return-to-work certifications

Break 10:00 a.m. – 10:15 a.m.

Meeting FMLA/CFRA Deadlines: Notification, Curbing Abuse, and Preventing Claims 10:15 a.m. – 11:00 a.m. FMLA is ruled by deadlines for giving and receiving information, for measuring how much leave has been taken, and for determining how much leave employees have remaining in a given year. A good grasp of timing rules—and learning how to monitor other key areas of FMLA usage—can help you prevent abuse of FMLA entitlements and fend off litigation. This session covers:

How to give the four kinds of FMLA notices—on time and on point What to do if an employee refuses FMLA designation Selecting the best type of FMLA leave year for your organization Counting holidays that fall during leave Rules regarding “making up” FMLA leave Handling suspected FMLA abuse without running afoul of the law How to manage employee leave without risking claims of interference How to legally discharge employees who are on or just returned from FMLA leave

Mastering Tough FMLA/CFRA Issues 11:00 a.m. – 12:15 p.m. It’s one thing to understand FMLA rules, but another thing entirely to apply them in the real world. For example, intermittent leave seems pretty straightforward, but what about temporary light-duty positions and fluctuating work schedules? Reinstatement after leave? How do you handle an investigation by DOL? This session will show you:

How to manage intermittent and reduced schedule leave How to handle leave duration How to calculate leave for fluctuating work schedules Rules on substitution of various types of paid leave for FMLA leave When employees have job reinstatement rights and when they do not Tips on how to effectively manage an FMLA investigation by the DOL

Networking Power Lunch (meal included with your registration) 12:15 p.m. – 1:15 p.m.

All Together Now: Coordinating FMLA with ADA, Workers’ Comp, and State Family Leave Laws 1:15 p.m. – 2:30 p.m. FMLA seems pretty comprehensive, but it’s not the only law that applies when employees need time off for their own serious health condition, to care for a family member, or for other reasons. You need to know when other laws create different obligations—and how their requirements work in tandem with FMLA. In this session we’ll cover:

How FMLA and ADA interact Why FMLA serious health conditions are more likely to qualify as disabilities under the ADA When you should offer leave as a reasonable accommodation under the ADA, including a discussion of ADA leave cases and agency guidance How to offer accommodations other than leave without violating FMLA When you can require employees to take FMLA leave concurrently with workers’ comp leave Recent developments in state leave laws, including paid sick leave, family leave, pregnancy accommodation, and other trends

Break 2:30 p.m. – 2:45 p.m.

Part II—Intensive Workshop Addressing the Real-Life Application of FMLA/CFRA Rules,

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## DOL/DFEH Regulations, and Court Rulings

Applying Your Knowledge 2:45 p.m. – 4:00 p.m. In this highly interactive portion of the FMLA Master Class, your faculty of labor and employment attorneys will walk you through a series of scenarios illustrating real-life FMLA issues that stump even the most seasoned of HR practitioners. You'll discuss case-studies with the lawyers and fellow attendees to determine the correct course of action, based on the facts and FMLA compliance principles.

Recent court rulings, long-standing precedent, DOL interpretations, opinion letters, and regulations—as well as the trainers' own experiences in advising clients—are interwoven into this engaging afternoon workshop to provide actionable guidance on tricky FMLA challenges facing HR and employers in 2019. We'll dive deep into:

### 1. Medical certifications and what to do when:

Certification submitted by employee is not sufficient Employee does not return the certification Employee refuses to update the certification if need for leave changes Employee does not submit fitness-for-duty certification at end of leave

### 2. Intermittent leave

Certification of need for intermittent leave Specific information on when leave is needed, expected frequency and duration What to do if an employee uses more leave than expected Abuse of intermittent leave (Mondays and Fridays, before and after holidays)

### 3. Reduced schedule leave

Certification and specific information on reduced hours, expected duration Updating certification Tracking leave time

### 4. FMLA during holidays and shutdowns

How to count FMLA leave during holidays Administering FMLA leave during extended plant or office shutdowns Determining whether an employee on FMLA leave during holidays is entitled to holiday pay

### 5. Addressing performance issues that arise prior to the request for leave

What to do when an employee requests FMLA leave in the midst of the disciplinary process or just before discipline or termination steps are taken Addressing performance issues that arise during intermittent or reduced schedule leave Addressing performance issues discovered while an employee is on leave Reductions in force while employee is on FMLA leave

### 6. Return to work—what to do if an employee is:

Not able to return to work at end of leave (ADA considerations) Cleared to return to work with restrictions Temporarily unable to perform essential functions Unable to perform essential functions in the long-term

Final Questions and Closing 4:00 p.m. – 4:30 p.m. Have lingering questions about points raised during this intensive FMLA workshop or want to revisit a fundamental concept or two from earlier in the day? Take advantage of this opportunity to get clarification from the attorneys before you wrap up for the day.

\*Agenda subject to change

## **Your Sacramento Faculty Attorneys with Freeland Cooper and Foreman**



### **Mark Schickman Mark Schickman Of Counsel**

Mark Schickman has been practicing employment and labor law for 40 years. He has successfully litigated almost every type of employment case in the courts, before juries and administrative agencies and on appeal. He provides employment advice to employers across the country. He is also an experienced and effective litigator, doing civil commercial trial work before judges and juries. He speaks and writes on litigation and employment law nationally, and has been quoted in legal and general circulation publications across the country. Mark is a member of the American Arbitration Association's select panel of employment law arbitrators and is the Editor of the California Employment Law Letter.



**Cathleen Yonahara****Cathleen Yonahara Partner** Cathleen Yonahara concentrates her practice on employment and labor law. Cathleen has successfully represented employers in courts and before various government agencies, including the United States Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, and the California Labor Commissioner. She has litigated all types of employment matters, including claims of discrimination, harassment, failure to accommodate, retaliation, wrongful termination, breach of contract, violation of California Family Rights Act, misappropriation of trade secrets, and wage and hour violations. Cathleen also represents clients in commercial business disputes.

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