

**R 8-16-9 Denial of FMLA Leave or Reinstatement to Former Position**

Under certain circumstances, the following may justify the Board refusing to allow or delaying FMLA leave to an otherwise eligible employee:

- ❖ The employee fails to provide timely notice; or
- ❖ The employee fails to timely provide medical certification.

Under certain circumstances, the following may justify an employer refusing to reinstate or delaying reinstatement of an employee on FMLA leave:

- ❖ Employee fails to provide a requested fitness-for-duty certification to return to work;
- ❖ Employee would not be employed had leave not been taken;
- ❖ Employee fails to give notice of intent to return to work;
- ❖ Reinstatement of key employee would cause substantial and grievous economic injury;
- ❖ Leave obtained by fraudulent means; and
- ❖ Employee's outside or supplemental employment violates uniformly applied policy.