

Every employer covered by the FMLA must post a general FMLA notice in all of its offices, even in offices where no employees are eligible for FMLA (employed for at least 12 months, for at least 1,250 hours during the 12 month period preceding commencement of the leave, at a worksite where 50 or more employees are employed within 75 miles of that worksite). (See DOL poster--available at DOL's "Final Rule" website: <http://www.dol.gov/esa/whd/fmla/finalrule.htm>)

If employer has no handbook or written policies regarding FMLA, an employer must provide FMLA notice to each employee when hired. Electronic posting is permitted where all employees and applicants have access to the electronic system.

Two notice requirements are mandatory when an employee requests leave: one to notify the employee of FMLA eligibility and his/her rights, and one to formally designate leave as FMLA leave. (See DOL forms)

- Eligibility Notice must be provided to an employee within five days following a leave request.
- Designation Notice must be provided within five business days after the employer receives an employee's medical certification(s) and any other required information.

Employers may provide retroactive notice so long as the delay does not cause any harm to the employee. Additionally, employees and employers can agree that leave be retroactively designated as FMLA leave.