

Human Resources Advisory Committee

February 16, 2011

Meeting Notes

Attendees: Mary Gloston, Makayla Weber-Harris, Judy McGimsey, Elizabeth Montalbano, Burgundy Cummings, Dee Everett, Adrienne Bordelon, Andrea Hollins, Kevin Brady, Ann Coulon, June Gillis, Frankie Grant, Melissa Sylvia, Mary Ginn

1. Mary Gloston welcomed all of the attendees.
2. Mary Gloston presented a draft of the FMLA Workshop Presentation
 - The presentation will be given to the Undersecretaries, HR Directors at the Commission Meeting and HR staff.
 - The training is at a high level and not intended to cover specifics of the law itself. The purpose is to provide specific ways to manage FMLA and curb abuse.
 - All the information provided in the presentation was pulled from the FMLA regulations.
 - General Circular 1126 issued on 10/8/1993 has important points regarding the State and FMLA.
 - One of the members asked if we could create a list of important General Circulars that agencies could reference. DSCS will look into adding the suggestion in the HR Handbook.
 - Adrienne Bordelon, General Counsel of DSCS, discussed the following on second opinions: If an employee brings a certification and the employer wants a 2nd opinion, the employer must bear the cost of the 2nd opinion and the physician chosen can't be affiliated with the agency. If the 2 opinions differ, then a 3rd opinion can be required at the expense of the employer. If the employee refuses a 3rd opinion, then the 2nd opinion stands, if the employer refuses a 3rd opinion, then the 1st opinion stands.
 - Judy discussed a comment that they received from an agency that has very specific guidelines for their FMLA policy and have denied several requests for FMLA. The Department of Labor called the agency regarding these denials; however, the original decisions were not overturned.

- DSCS will provide a sample template policy for agencies and will also provide a tracking tool for supervisors to track their employees' absences to identify any patterns that may be of concern.
- The suggestions made during the presentation are suggestions only. Agencies will still need to consult with their attorneys, DOL and the FMLA regulations for further guidance.
- The regulations were amended in January of 2009 and show more flexibility that employers have.
- Our role is to help agencies make better use of the employer friendly part of the law.
- FMLA is also discussed in Myths that Affect Good Supervision for your agency supervisors.
- A recommendation was made to provide a tip sheet for supervisors on what they need to do and what they shouldn't do when it comes to FMLA and their staff.
- Tutorials or e-learning would also be helpful for supervisors. DSCS will be looking into this suggestion as well.

3. Member Issues:

- Frankie Grant discussed a letter she received from the LA Directory of New Hires. Per Mary Gloston, if an agency is an ISIS HR paid agency, OSUP is responsible for reporting this information to the LA Directory of New Hires.

4. Next Meeting: Wednesday, March 16th at 1:30 PM in the Marbois Room #1-137