

The Alaska Family Leave Act (AFLA) (Chapter 96 SLA 1992) became effective September 16, 1992 and the federal Family and Medical Leave Act of 1993 (FMLA) became effective August 5, 1993. The acts promote preservation of the integrity and stability of the family unit, job security for the employee, as well as accommodating the legitimate interests of employers.

The acts supplement other laws, contractual requirements, and policies and practices regarding leave thereby placing additional requirements on employers in the area of leave accounting. Refer to the most recent [Personnel Memorandum](#) addressing family leave and current provisions of the state and federal family leave acts. Family leave must be invoked for all qualifying conditions if the employee otherwise qualifies for family leave.

Links to the forms used to assist with the invocation process are provided below:

[Supervisor's Checklist](#)

[Certification of Health Care Provider \(employee\)](#)

[Certification of Health Care Provider \(family member\)](#)

[Your Rights Under the FMLA](#)

How does the employee notify the employer of the need to invoke family leave entitlements?

An employee should advise their supervisor when requesting leave and state a qualifying reason. The State requires notice in writing (a Leave Request/Report form, satisfies the written notice requirement), but where extenuating circumstances prevent it the employee may still invoke the entitlement verbally. For foreseeable leave, the employee must provide 30 days advance notice.

A Certification of Health Care Provider form (CHCP) is required as documentation for the need for medical leave that exceeds three consecutive days. If the supervisor finds the certification to be incomplete, the supervisor will advise the employee and provide the employee a reasonable opportunity to obtain additional information from the health care provider. Direct contact by the supervisor with the employee's health care provider is not permitted by FMLA.

Is it permissible for the supervisor to invoke the employee's family leave entitlement?

Yes. In all circumstances, it is the State's (employer's) responsibility to designate leave (paid or unpaid) as potentially family leave qualifying. The designation must be based only on information received from the employee or employee's spokesperson (e.g. if the employee is incapacitated, the spouse or adult child of the employee). The inquiry may seek information similar to the information on the CHCP, but no additional information. A checklist to aid in determining whether to designate leave as Family Leave can be found on the Division of Personnel Website, HR forms or use the link provided below.

Does the supervisor have the right to question the nature of the requested leave if necessary?

Yes. If the supervisor has reason to doubt whether an absence qualifies as family leave further inquiry of the employee or the employee's spokesperson must be made, but no more information may be sought than provided on the CHCP.

Supervisors are generally the first to know an absence may be due to a potentially qualifying condition and should inquire about leave at the time leave is requested or initiated. If the requested leave may be for a qualifying condition, a tentative determination may be made and conditionally invoking family leave is appropriate. The FMLA Supervisor's Checklist form can assist with making this determination.

Once family leave has been invoked because a potentially qualifying condition exists, Technical Services should be notified immediately to make the final determination if the employee qualifies and will subsequently provide notice to the employee. Supervisors and employees should ensure any leave slips submitted for the condition are clearly marked as family leave for proper documentation and tracking purposes. Coordination with Technical Services is crucial to provide timely invocation and accurately tracking the employee's leave use for these entitlements.