

**Sec. 31-51qq-34. What notice may an employer require regarding an employee's intent to return to work?**

(a) An employer may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employer's policy regarding such reports may not be discriminatory and shall take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employer's obligation under FMLA to restore the employee ceases. However, this obligation continues if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the employee no longer needs the amount of leave originally anticipated. An employee may not be required to take more FMLA leave than necessary. In both of these situations, the employer may require that the employee provide the employer reasonable notice, specifically not later than two (2) business days after the change in circumstances, where foreseeable. In the case of an employee providing notice of the intent to return to work, the employer shall return the employee to work not later than two (2) business days after such notice is provided, unless it is physically impossible, as described in section 31-51qq-37(e). The employer may also obtain information on such changed circumstances through requested status reports.

(Adopted effective March 9, 1999; Amended August 3, 2022)