

Employees must follow their employer's call-in policies when they are planning to miss work, "absent unusual circumstances." "Unusual circumstances" include: no one answered telephone; company voice mail box is full; employee is unable to use telephone because he or she is seeking emergency medical treatment. Previously, employees had up to two days after first absence to notify the company about their need for leave. Employers can continue to require employees to notify them in advance of taking leave that is foreseeable.

Employees must explain sufficiently the reasons for leave so as to allow employer to determine whether leave qualifies as FMLA leave. Calling in sick is not sufficient notice to trigger an employer's FMLA obligations. The call-in procedure should be included in the leave policy.