

APPENDIX "D"
FAMILY MEDICAL LEAVE ACT

1 **FAMILY AND MEDICAL LEAVE ACT OF 1993**

2 FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to
3 "eligible" employees for certain family and medical reasons. Employees are eligible if they have
4 worked for a covered employer for at least one year, and for 1, 2500 hours over the previous 12
5 months, and if there are at least 50 employees within 75 miles.

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7 REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following
8 reasons:

- 9 • to care for the employee's child after birth, or placement for adoption or foster care;
- 10 • to care for the employee's spouse, son or daughter, or parent, who has a serious health
11 condition; or
- 12 • for a serious health condition that makes the employee unable to perform the
13 employee's job.

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15 At the employee's or employer's option, certain kinds of paid leave may be substituted for
16 unpaid leave.

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18 ADVANCE NOTICE AND MEDICAL CERTIFICATION: Employee may be required to provide
19 advance leave and notice and medical certification. Taking of leave may be denied if
20 requirements are not met.

- 21 • The employee ordinarily must provide 30 days advance when the leave is "foreseeable."
- 22 • An employer may require medical certification to support a request for leave because of
23 a serious health condition, and may require second or third opinions (at the employer's
24 expense) and a fitness for duty report to return to work.

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26 JOB BENEFITS AND PROTECTION:

- 27 • For the duration of FMLA leave, the employer must maintain the employee's health
28 coverage under any "group health plan."
- 29 • Upon return from FMLA leave, most employees must be restored to the original or
30 equivalent positions with equivalent pay, benefits, and other employment terms.
- 31 • The use of FMLA leave cannot result in the loss of any employment benefit that accrued
32 prior to the start of an employee's leave.

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34 UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- 35 • interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 36 • discharge or discriminate against any person for opposing any practice made unlawful
37 by

38
39 FMLA or for involvement in any proceeding under or relating to FMLA.

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41 ENFORCEMENT:

- 42 • The U.S. Department of Labor is unauthorized to investigate and resolve complaints of
43 violations.
- 44 • An eligible employee may bring a civil action against an employer for violations.

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46 FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any
47 State or local law or collective bargaining agreement which provides greater family or medical
48 leave rights.

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50 FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division,
51 listed in most telephone directories under U.S. Government, Department of Labor.