



TEAMSTERS

Safety & Health FACTS

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THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

It is the purpose of this Act to balance the demands of the workplace with the needs of families and to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child or parent who has a serious health condition.

Who does FMLA cover?

- ♦ All private employers with 50 or more employees, including nonprofit organizations, and
- ♦ all public employers, including federal, state, city, and local agencies and schools.

Workers are eligible for FMLA times off (leave) if all the following apply:

- ♦ They work for a covered employer;
- ♦ They have worked for this employer for at least 12 months or 52 weeks (this period need not be consecutive); and
- ♦ They work at a location where 50 or more workers are employed, or where the number of workers within 75 miles is 50 or more.

Employees are eligible for up to 12 workweeks of unpaid FMLA leave each 12-month period for the following reasons:

- ♦ Medical Leave – for a *serious health condition* that makes the employee unable to perform his/her job.
- ♦ Family Leave – to care for a seriously ill child, spouse, or parent.
- ♦ Childbirth and Newborn Care Leave – for the childbirth or to care for a newborn child up to the age of one year.

- ♦ Adoption or Foster Placement Leave – for the placement of a child with the employee for adoption or foster care.

Workers can take all 12 weeks at once for an above reason or at different times for different reasons. When an employee gives notice that he or she needs medical or family care leave, the employer has the duty to investigate to determine if the leave qualifies for FMLA protection. The leave cannot be denied for production needs, a busy operating schedule, or because the employer considers the job too important to allow time off.

Workers must be granted a part-time work schedule if necessary because of their own health condition or that of a family member. FMLA absences cannot be used as a basis for imposing discipline, giving poor evaluations, or denying advancement. During FMLA leave, group health plan benefits must be maintained as if the worker had continued to work. When the worker returns to work, he or she must be restored to their former position or to an equivalent one with no loss to seniority, salary, or benefits.

Unfortunately, the FMLA allows employers to designate a paid leave (sick, vacation, workers' compensation) as an FMLA leave if the leave qualifies under FMLA. When the employee requests FMLA leave or provides notice of an unexpected FMLA absence, the employer must give or mail the employee a written notice designating the leave under FMLA and detailing the employee's specific rights and obligations.