



Know Your Rights

The Family and Medical Leave Act

What's the Family and Medical Leave Act?

Every employer with 50 or more employees within a 75-mile radius is bound to comply with the Family and Medical Leave Act (FMLA). Passed by U.S. Congress in 1993, FMLA guarantees you up to 12 weeks of unpaid leave to care for:

- **a newborn or newly adopted child.**
- **your spouse.**
- **a child or parent with a serious health condition.**

FMLA also covers you if you are absent because of your own serious health conditions. These may include incapacitating illnesses, injuries, impairments or physical or mental conditions that require treatment for more than three calendar days. Also covered are chronic or long-term conditions, including prenatal complications that would incapacitate you for more than three calendar days if untreated.

Are You Eligible?

To be eligible for FMLA leave, you must have worked for your employer for at least 12 months for 1,250 hours during that period. The months of employment need not be consecutive. If you're among the top 10 percent of the highest paid employees in your company, you may not be eligible for FMLA leave.

Leave Without Pay

Generally, FMLA leave is without pay. However, you also may use sick leave or accrued vacation time during an FMLA leave. Your employer is required to continue to pay its share of health insurance premiums during an FMLA leave and to keep your group health insurance up-to-date, even if this requires advancing money for coverage.

Return to Work

When you return to work from an FMLA leave, you're entitled to the same position or a substantially similar position. You can't lose any status, including pay, benefits, seniority or other employment rights, as a result of taking an FMLA leave. If you return to work with a condition that's a recognized disability, your employer may need to make a reasonable accommodation, as required by the Americans With Disabilities Act.

Employer's Responsibilities

The burden falls on your employer to notify you of your right to take FMLA leave. Your employer is responsible for determining whether your absence is covered by FMLA, regardless of whether you claim the absence as such. Your employer may ask you to provide enough information, including confirmation from your doctor, to verify that your leave request qualifies under FMLA. However, information about an individual's medical condition is considered confidential.

If you're unable to report to your human resources department, your employer is obligated to take or mail necessary information to you.

For more information about FMLA leave, contact your human resources department or Employee Assistance Program (EAP) representative.

The 1993 Family and Medical Leave Act guarantees eligible employees up to 12 weeks of unpaid leave to care for family members.