

F.M.L.A

Family Medical Leave Act (FMLA) Facts Minimize

Any employee who works for an employer that has at least 50 employees (includes management, confidential, and bargaining unit employees) and works at worksite within at least 75 miles of the employers facility (that houses the 50 employees).

If you have worked for more than 12 months for your employer and have worked at least 1,250 hours during the 12 months prior to the start of your leave, you are eligible to take FMLA leave.

You may take up to 12 workweeks of job-protected FMLA leave in a 12 month period in the following circumstances:

if you have a serious health condition that makes you unable to do your job;
to care for a seriously ill child, spouse or parent;
for childbirth or to care for a newborn child up to age 1; and
for the placement of a child with you for adoption or foster care.

You may take medical or family leave on a continuous basis or in intervals as short as a day or part of a day. Leave may not be denied because of production needs, a busy schedule, or because your employer considers you too important to take off.

Discipline based on FMLA absences is a violation just cause.

If you have taken an FMLA leave, when it is completed you must be restored to your former position or its equivalent.

An equivalent position is one which has identical pay, benefits, and working conditions; requires substantially equivalent skills, efforts, and responsibilities; and involves the same or substantially similar duties.

Reinstatement is not required if a layoff or reorganization unrelated to your leave eliminates your position during your absence and you do not have transfer or bumping rights to another position.

If you need to apply for FMLA, your employer may require a certification from a health care provider to verify that leave is necessary because of your own or a family member's serious health condition.

In some medical leave cases, your employer can request a fitness for duty report when you are ready to return to work.

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If the need for your leave is foreseeable, you must provide 30 days advance notice; however, if your need for the leave is unexpected, you must notify your employer of the medical facts within two working days.

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