



CLIENT INFORMATION GUIDE

Section: Human Resources

Topic: The Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 is designed to provide working individuals with the ability to deal with family obligations without being worried that they will be demoted or fired. Under the FMLA, a company subject to its provisions must allow up to 12 weeks of unpaid leave during any 12-month period to an eligible employee for the following reasons:

- Birth of an employee's child
- Adoption of a child by the employee (or placement of a child with the employee for foster care)
- Care of son, daughter, spouse or parent having a serious health condition or,
- Incapacity of the employee as a result of a serious health condition

A company is subject to FMLA if it has 50 or more employees who work within a 75 mile radius. (In the case of a PEO client, a smaller employer is subject to the FMLA if there are 50 or more PEO employees working within a 75 mile radius.)

An employee is eligible for FMLA leave if he or she has been employed by the company

- For at least 12 months (and those do not need to be consecutive months) and
- For at least 1,250 hours during the 12 months prior to the leave

Employees are required to give 30 days notice to the employer prior to taking leave. If impractical, they must provide the greatest possible notice.

Upon return from FMLA leave, the employee must generally be restored to the same position that he or she held when the leave began, or to an equivalent position with equivalent pay, benefits and other conditions of employment. Health insurance benefits may be maintained during the leave as if the employee had continued working, provided the necessary employee contributions are made.

Employment need not be restored if the work facility closes, if there is a reduction in force or other instances where the employee would not otherwise have been employed at the time that the return to work is requested.

The employee may also be subject to termination if he/she does not return to work after exhausting FMLA leave. Benefits paid by the employer during the leave may be recovered from the employee under certain circumstances if the employee does not return to work.

If you have questions as to whether your employees are covered by the FMLA provisions, or questions pertaining to any other related matter, you are encouraged to call your Choice Service Representative.