



Notice to Employees of Their Rights under FMLA

To be given to employee requesting FMLA.

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employee’s for certain family and medical reasons. Employees are eligible if they have worked for at least one year, and for 1,250 hours over the previous 12 months.

Reasons for Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- To care for the employee’s child after birth, well child bonding, or placement for adoption or foster care;
- To care for the employee’s spouse, domestic partner, child, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.
- To cover qualifying exigencies related to a call to active duty during a war or national emergency for a spouse, domestic partner, child or parent on active duty or impending call to order to active duty.
- Covered Service Member Caregiver leave (see link for [Covered Service Member](#) definition) for injury or illness suffered while on active duty for a spouse, domestic partner, child, parent or nearest blood relative. When combined with other qualifying FML it may not exceed 26 weeks in a 12 month period.

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

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

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

Job Benefits and Protection:

- For the duration of Family Medical Leave, the employer must maintain the employee’s health coverage under any “group plan.”
- Upon return from Family Medical Leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Unlawful Acts by Employers:

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement:

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

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

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.