

## LEGAL FOUNDATION

### *Family and Medical Leave Act of 1993*

FMLA is a law that requires any business with 50 or more employees to provide up to 12 weeks of unpaid protected job leave for employees working for the company at least 12 months. The law is aimed at helping people that have to leave work because of unexpected medical problems that arise with them or their family.

#### *Acceptable reasons for leave of absence*

- To care for the employee's child after birth, adoption or foster care
- To care for the employee's child, spouse or parent who has a serious medical condition
- A serious health condition that makes the employee unable to perform the job

#### *Rights of employer*

- Must be notified of employee departure 30 days in advance
- May require employees to use accrued paid time off first

#### *Rights of employee*

- Employer must retain health-plan coverage while on leave
- Upon return must receive equal pay, benefits and other employment terms
- Cannot receive a loss of accruals from pension plans that had accrued before the leave of absence

#### *Punishment for disobeying the FMLA*

- Face enforcement by the Department of Labor
- Must repay any salary, benefits or other compensation the employee was denied
- Must pay the prevailing interest rate on the amount settled
- Must reinstate the person to previous job
- Could also be forced to pay any liquidated damages

#### *Notice to Employers*

A poster displaying employee rights should be posted where employees can readily see it. This poster can be found in the NFIB Federal Employment Law Handbook.

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