

## THE FAMILY AND MEDICAL LEAVE ACT

*Learn The Basics  
Of The Family  
and Medical  
Leave Act (FMLA)  
and How It  
Affects Your  
Business.*

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year and for 1,250 hours over the previous 12 months. Automatically covered employers are those with at least 50 employees within a 75-mile radius. However, any company may voluntarily comply with the FMLA standards. An employee can take leave for any of the following reasons:

1. To care for that employee's child after birth, adoption or foster care.
2. To care for the employee's spouse, son, daughter or parent who has a serious health condition.
3. For a serious health condition that makes the employee unable to perform their job.

The employee may be required to provide advance leave notice and medical certification. The employee ordinarily must provide 30 days advance notice when the leave is foreseeable. The employer may require medical certification to support a request for leave because of a serious health condition and may require a second or third opinion (at the employer's expense) and a fitness for duty report to return to work. When these conditions are met, the employee is given the following job benefits and protection:

1. For the duration of the FMLA leave, the employer must maintain the

employee's health coverage under any group health plan.

2. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equal pay, benefits and other employment terms.
3. The use of FMLA leave can't result in the loss of any employment benefit that accrued prior to the beginning of the leave.

It's unlawful for any covered employer to interfere with or discharge an employee who is exercising their rights under FMLA. An employee can report any violation to the U.S. Department of Labor, which is authorized to investigate and resolve complaints of violations. In addition, that employee can bring a civil action against an employer for violation.

**To learn more about the Family Medical Leave Act, consult your Fiducial Business Services office for assistance and information.**

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