

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" 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. *(Note: The CSU eliminated the 1,250 hour requirement for full-time and part-time employees provide for under the FML Act.)*

Reasons for Taking Leave

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

- ☞ To care for the employee's child after birth or placement for adoption (or foster care); or
- ☞ To care for the employee's spouse, son or daughter, 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.

Paid leaves used to cover circumstances which meet the above criteria may run concurrently with the 12 weeks of FMLA leave and may be required by bargaining unit contracts.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification. 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 report to return to work.

Job Benefits and Protection

- ☞ For the duration of FMLA leave, the employer must maintain the employee's health insurance coverage under any "group health plan". The employee will continue to be responsible for employee premiums.
- ☞ Upon return from FMLA leave, most employees must be restored to their original or equivalent position(s) with equivalent pay, benefits, and other employment terms.
- ☞ The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts of Employers

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 FMLA.

Enforcement

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

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

For Additional Information

Contact the CSU, Chico Disability Programs Office at 898-5436.