

FAMILY AND MEDICAL LEAVE ACT (FMLA) FACT SHEET

FMLA LAW AND PURPOSE

The Family and Medical Leave Act (FMLA) became effective in 1993. The purpose of the Act is to help balance the needs of employers and employees in circumstances where employees must take medical leave for their own serious medical conditions, or take leave to care for specified family members.

EMPLOYEE ENTITLEMENT

Eligible employees are entitled up to 12 workweeks of unpaid job-protected absences (FMLA absence) from work during a 12-month period for *certain family and medical reasons*. *Appropriate paid leave, earned by the employee, may be substituted for the unpaid leave.*

FMLA DOES NOT PRECLUDE THE USE OF ANY LEAVE, ACCRUED OR DONATED, PROVIDED ALL RELATED REQUIREMENTS ARE MET; NOR, DOES IT GUARANTEE EMPLOYMENT BEYOND THE CONTRACT END DATE.

ELIGIBILITY - To be eligible for the job-protected absence, an employee must:

- have worked for a covered employer at least 12 months, and
- have worked 1,250 hours over the previous 12 months.

REASONS FOR USING FMLA - A job-protected absence may be requested for any of the following

- **the birth of a child, and to care for the newborn child;**
- **placement with the employee of a child for adoption or foster care;**
- **necessary care for the employee's spouse, child or parent who has a serious health condition, or an adult child who cannot care for himself or herself;**
- **a serious health condition* that makes an employee unable to perform the essential functions of the employee's job;**
- **for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a covered military member on covered active duty or called to covered active duty status; and**
- **to care for a covered servicemember with a serious injury or illness, when the employee is a spouse, son, daughter, parent, or next of kin of the servicemember (Leave entitlement under this eligibility is for 26 workweeks.**

REQUIREMENTS - Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

JOB RESTORATION AND HEALTH BENEFITS - Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. If an employee opts for an **unpaid** leave, he or she will be responsible for continuing to pay his or her share of health insurance premiums, unless he or she elects to discontinue such coverage.

What is a serious health condition?

Serious health conditions include (but are not limited to):

- **Inpatient Care**
 - an overnight stay in a hospital, hospice, or residential medical care facility
 - includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
- **Incapacity Plus Treatment** that consists of a period of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either:
 - two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or.
 - at least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special treatment.
- **Pregnancy**
- **Chronic Conditions**
 - Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
- **Permanent or Long-term Conditions**
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
- **Conditions Requiring Multiple Treatments**
 - Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

An absence under the Family and Medical Leave Act may be denied if requirements are not met.

Should you require additional information and/or forms, please feel free to contact:

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