

The Family and Medical Leave Act

Rights and Responsibilities

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. This sheet provides general information about who is eligible, when employees are entitled to take FMLA leave, and what rules apply when employees take FMLA leave.

Eligibility

An employee who has been employed by PUC for 12 months and has worked at least 1250 hours during the previous 12-month period is eligible. The 12 months, or 52 weeks, of employment need not be consecutive. Any week in which an employee works any part is counted as a week worked.

Types of Absences Covered

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

While the reason given must qualify the employee for FMLA, the employee does not need to mention FMLA when requesting the leave. PUC is responsible for determining eligibility and designating a leave as FMLA.

Notice of Leave

Employees should request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is unforeseeable, employees must provide notice as soon as possible and practical under the circumstances.

Certification

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require a second or third medical opinion (at the employer's expense) and periodic recertification of a serious health condition.

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. Employees are entitled to any general pay increases that occurred while on leave but not those based on seniority or merit. Employers are also required to continue health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.

The FMLA makes it unlawful for the company to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA. You may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.