

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act (FMLA) requires this district 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 the center for at least one year and for 1,250 hours over the previous 12 months, and there are at least 50 employees within 75 miles.

Reasons for taking leave

The center must grant unpaid leave for any of the following reasons.

- to care for the employee's child after birth or placement for adoption or foster care
- to care for the employee's 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 employee's job

At the center's or the employee's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance notice and medical certification

The center may require the employee to provide advance leave notice and medical certification. The center may deny the leave if the employee does not meet the notice requirements.

- The employee ordinarily must provide 30 days advance notice when the leave is foreseeable.
- The center 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 the FMLA leave, the center will maintain the employee's health coverage under the center's group health insurance plan.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
- An employee's use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Unlawful acts by employers

FMLA makes it unlawful for the district to do the following.

- 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 of violations.
- An eligible employee may bring a civil action against an employer for violations.
- FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

For additional information contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

Barnwell County Career Center