



Riverside Local Schools – FMLA Leave

What is the law? What is its purpose?

The Family Medical Leave Act was signed into law in 1993 to balance needs of employers and employees in circumstances when employees must take extended medical leaves for serious medical conditions, including pregnancy, or to care for family members. The purpose of the law is to protect employee jobs in these circumstances. It does not necessarily pay the employee during this time, if the employee does not otherwise have paid time off (sick days, vacation, personal days).

What Are the Main Provisions?

FMLA provisions require employers to grant eligible employees up to 12 weeks of unpaid leave, for one or more of the following:

For the birth and care of the newborn child of the employee;

- for placement with the employee of a son or daughter for adoption or foster care
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

What else should I know about this law?

Medical certification is required to be presented to the employer to validate the reason for the leave request.

The FMLA does not require the employer to pay the employee; it is intended only to protect the employee's job and status during this time. Pay for the employee is determined by the availability/use of sick time/vacation/personal days, and by any long term disability coverage. The law states that "Employees may choose to use, or employers may require the employee to use, accrued paid leave to cover some or all of the FMLA leave taken."

The employer is required to continue health benefits (including family coverage) for an employee who is on FMLA leave.

The FMLA Guidelines state:

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an "equivalent" job, which means virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using (but not necessarily during) FMLA leave.