

The Family Medical Leave Act: The Basics

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Every once in a while a refresher is well ... refreshing.

The next series of blogs will focus on the Family and Medical Leave Act (FMLA).

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the [Family and Medical Leave Act](#) for all private employees, as well as state and local government employees and some federal employees.

Leave Entitlement

At its core, the FMLA entitles eligible employees to take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons, including:

- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition; and
- To take medical leave when the employee is unable to work because of a serious health condition.

Recent amendments also extend the FMLA to any "qualifying exigency" arising out of the fact that a family member is a covered military member on active duty. Another related provision assisting military families allows eligible employees to take up to 26 workweeks of job-protected leave in a "single 12-month period" to care for an injured service member.

Reinstatement After Leave

Also at the core of the FMLA, upon return from FMLA leave, an employee must be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. Further, 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 FMLA leave.

Since the FMLA contains strict requirements for both employers and employees, employers should make sure that they understand all of the technicalities of the FMLA, especially when your State (New Jersey for example) has a family leave law that provides additional benefits.

This week's posts will provide employers with a useful "refresher" about FMLA rules and regulations as well as highlight a few recent case developments.

About Beth Lincow Cole

Employment Law Attorney Beth Lincow Cole has skillfully helped business owners and managers head off the unwanted and unnecessary lawsuits that can arise in the workplace. Drawing on her successful legal experiences both in and outside the courtroom, Beth Lincow Cole understands how to protect employers. By developing solid pre- and post-employment procedures for her clients, she assures that they are legally protected.

Beth Lincow Cole has worked for large regional and national law firms, focusing solely on employment issues, on behalf of management within a wide range of industries. Whether you are a start up company with basic questions about personnel files or a larger company with questions about an employee's Family Medical Leave, Beth Lincow Cole can help. Drawing on her experiences, she counsel's companies in the following practice areas:

- Defense in administrative agency matters such as before the DOL, EEOC, PHRC or NJDCR
- Department of Labor Audits
- Discrimination
- Downsizing/Reduction in Force
- Drug Testing
- Employment Contracts and Severance Agreements
- Employment Law Compliance
- FMLA and other family leave laws
- Independent Contractors/Contingent Workforce

Please contact the firm to find out how the Law Office of Beth Lincow Cole can protect your company.