



Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck, P.C.
77 W. Washington Street
20th Floor
Chicago, IL 60602-2904

Telephone: 312-263-6330
Fax: 312-372-5555
Toll Free in Illinois: 800-444-1525
National Toll Free: 888-626-5556

PRACTICE AREAS

Workers' Compensation

Personal Injury

Employment Discrimination

Sexual Harassment

Family Medical Leave Act
(FMLA)

Collections/ERISA

11/18/2007

FMLA LEAVE, IF PAID, CAN BE EXTENDED MORE THAN 12 WEEKS

An eligible employee for FMLA leave may elect, or an employer may require the employee to use paid leave toward the 12 weeks of FMLA leave. Otherwise, paid leave can be used in addition to FMLA leave to extend the protected leave period under the Family and Medical Leave Act.

"[A]n employer who is subject to the FMLA and also offers a paid sick leave policy has two options when an employee's leave qualifies both under the FMLA and under the employer's paid leave policy: the employer may either permit the employee to use his FMLA leave and paid sick leave sequentially, or the employer may require that the employee use his FMLA leave entitlement and his paid sick leave concurrently." [Strickland v. Water Works and Sewer Bd. of City of Birmingham, 239 F.3d 1199 \(11th Cir. 2001\)](#).

The opportunity to stack paid leave and FMLA is most likely to occur in hospital or government work places. But it can occur anywhere that an employer allows its employees to accumulate paid leave time for sick days, vacation pay, etc..

[For more on FMLA rights generally](#)

[FMLA regulations](#)

[leave of absence](#)

[experienced attorney](#)

[unpaid leave](#)



Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck, P.C.
77 W. Washington Street
20th Floor
Chicago, IL 60602-2904

Telephone: 312-263-6330
Fax: 312-372-5555
Toll Free in Illinois: 800-444-1525
National Toll Free: 888-626-5556

PRACTICE AREAS

Workers' Compensation
Personal Injury
Employment Discrimination
Sexual Harassment
Family Medical Leave Act
(FMLA)
Collections/ERISA

"The FMLA provides that "an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following: ... (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee." 29 U.S.C. sec. 2612(a)(1) (1994). (5) The FMLA explicitly permits employers to provide covered leave on an unpaid basis. 29 U.S.C. sec. 2612(c). If an employer provides paid leave benefits to its employees, the Act provides that "[a]n eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for ... any part of the 12-week period" of FMLA leave. 29 U.S.C. sec. 2612(d)(2)(B)." *Strickland v. Waterworks*.

Look here. You'll find information at [Workplacelawyer](#)

Leave rights are protected by the Family and Medical Leave Act of 1993. Eligible employees are guaranteed 12 weeks of unpaid leave. A leave of absence must be given for serious medical conditions and care for family members.

Ron Schwartz is an experienced attorney in employment matters. Read more about leave rights and whether you have the right to an unpaid leave of absence.

At [Workplacelawyer](#), you will find an easy to use, information packed web site. [Click here](#) to learn more about FMLA leave rights.