

FMLA IN A NUTSHELL

THE “TAKEAWAY” FOR MANAGERS™

PREVIEW ONLY
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FMLA IN A
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The Basics

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Legally, employees can take up to 12 weeks of unpaid, job-protected FMLA leave if they have a serious health condition, have to care for their child, parent, or spouse who has one, are caring for a new child during the first year, or have a qualifying military exigency.

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**FMLA leave doesn't have to be taken all at
once.**

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The FMLA doesn't discriminate on the basis of gender; it applies equally to male and female employees who are new parents or have other caregiving responsibilities.

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The Basics

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The FMLA is gender-neutral.

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FMLA Ins and Outs

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To be FMLA eligible, employees must have worked for their employer for at least twelve months (though not necessarily consecutively), for at least 1,250 hours over the past twelve months, and at a location where the company employs 50 or more workers within 75 miles.

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Employees who telecommute may be FMLA eligible if their workplace could be considered the larger office that they report to rather than their home office.

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Some states have enacted their own family and medical leave laws, and in these cases, employers have to follow the laws that are most advantageous to the employees, whether state or federal.

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FMLA Ins and Outs

THE TAKEAWAY
When in doubt, ask.

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Military Families and the FMLA

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FMLA time off is allowed to deal with qualifying military exigencies resulting from a deployment, such as attending a military-family support group, spending time with a family member on short-term rest-and-recuperation leave, attendance at a military ceremony, or responding to a short-notice deployment.

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“Military caregiver leave” allows an employee who needs to care for a spouse, child, or next of kin who’s a covered active-duty service member with a serious injury or illness to take up to 26 weeks of leave under the FMLA, which is inclusive of the 12 weeks of leave already provided under regular FMLA.

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“Military caregiver leave” can only be used once and must be used within one 12-month period.

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Military Families and the FMLA

THE TAKEAWAY

The FMLA supports our military
families.

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Retaliation—It’s Illegal

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Never discourage someone from taking FMLA leave or imply that it is wrong to do so. This could lead to a lawsuit.

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Firing or retaliating against someone for requesting or taking FMLA leave is strictly illegal.

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You may move someone to a new position because of the toll that their intermittent leave takes on the job—if the new position has at least equivalent salary and benefits.

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Retaliation—It’s Illegal

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It is strictly illegal to retaliate
against someone who takes
FMLA leave.

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