



## YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid job protected absence within a 12-month period to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer at least one year and for 1250 hours over the previous 12 months.

### Reasons for Taking an FMLA Absence

- To care for the employee's child following birth, or placement for adoption or foster care.
- To care for the employee's spouse, child (under 18 years of age) or age 18 or older who is incapable of self-care because of a mental or physical disability, or parent who has a serious health condition.
- For a serious health condition that has been certified by a health care provider that makes the employee unable to perform the employee's job.
- Active Duty/Qualifying Exigency Leave arising out of the fact that a covered employee's spouse, child or parent is on or has been called or ordered to active duty in the Armed Forces in support of a contingency operation.

Additionally, employees may also request:

- Caregiver Leave for up to 26 weeks\* to care for a spouse, son, daughter, parent, or next of kin (nearest blood relative) who is a covered service member. The service member must have a "serious injury or illness" incurred while in the line of duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

\*If an employee takes Caregiver Leave and Active Duty/Qualifying Exigency Leave (or leave for any other FMLA-qualifying reason) in the same 12-month period, the employee will be entitled to a combination of 26 weeks.

- Under certain circumstances, leave may also be taken on an intermittent or reduced work schedule.
- At the employee's or employer's option, certain kinds of paid absences may be substituted for unpaid absences.

### Advanced Notice and Medical Certification

The employee may be required to provide advanced notice and medical certification. Taking an absence may be denied if the following requirements are not met:

- **Foreseeable Absence**: The employee must provide 30 days' advanced notice when the absence is foreseeable.
- **Unforeseen Absence**: The employee is required to give notice of the need for FMLA leave as soon as the employee learns of the need for leave, or at least within 2 business days of the employee's return to work.
- SBC and its participating companies require medical certification to support a request for an absence 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.
- The employee must provide medical certification to the FMLA Organization for a protected absence within 15 days after the request, absent extenuating circumstances

### Job Benefits and Protection

- Except for conditions allowable by law, upon return from FMLA absence, an employee is entitled to be returned to the same position to the employee held when the absence commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
- For the duration of the FMLA absence, the employer must maintain the employee's health coverage under any Group Health Plan; however, the employee must continue to pay his/her required contributions, if any. The employer must give the employee notice of the terms for payment of premiums or employee contributions during an FMLA absence.
- Taking an FMLA Leave of Absence may impact certain of your benefits and your net credited service date.

- The use of FMLA absence cannot result in the loss of any employment benefit that accrued prior to the start of the employee's absence.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

### Administrative FMLA Practices

- All FMLA approved absences will be processed through an existing company plan, program or policy if that plan, program or policy covers the requested absence. If an existing plan, program or policy does not cover the absence, and the absence is taken for one of the reasons listed above, it will be processed under FMLA guidelines. In either situation, the absence will be deducted from the employee's 12-week FMLA entitlement.
- If the employee fails to return to work after taking an unpaid FMLA absence, the employee may be required to reimburse the employer any health insurance premiums paid on the employee's behalf while the employee was on the unpaid FMLA absence.
- If the absence is denied as FMLA covered by the FMLA Organization, then the absence will not be protected under FMLA.
- The employee is not entitled to the protections of FMLA if the employee gives notice of the reason for the absence later than two days after returning to work, absent extenuating circumstances



**For More Information on Federal FMLA**

**Federal FMLA**

Contact the nearest office of the Wage and Hour Division under U.S. Government, Department of Labor.

**State Family and Medical Leave (If Applicable)**

Please note that the states listed below offer family and/or medical leave rights that may, to some degree, overlap with or in some instances may be more generous, than the FMLA.

For information about the rights and qualifications under each state's law, you may contact the appropriate state agency responsible for enforcement of that law or visit the website for the agency.

NOTE: federal FMLA and family and medical leave pursuant to state law will run concurrently when an employee has met the eligibility criteria under both forms of leave and the law otherwise allows it.

State	Contact Information
California	California Family Rights Act (CFRA) The California Department of Fair Employment and Housing PH: 1-800-884-1684 Internet: <a href="http://www.dfeh.ca.gov">www.dfeh.ca.gov</a>  NOTE: Time away from work due to pregnancy, childbirth or related medical condition is covered under the California Fair Employment and Housing Act. (See Pregnancy Related Absences/Disability Poster).
Connecticut	Labor Department PH: 860-263-6505 Internet: <a href="http://www.ctdol.state.ct.us">www.ctdol.state.ct.us</a>
District of Columbia	Department of Employment Services PH: 202-671-1900 Internet: <a href="http://does.ci.washington.dc.us">does.ci.washington.dc.us</a>
Hawaii	Department of Labor and Industrial Relations PH: 808-586-8865/8844 Internet: <a href="http://hawaii.gov/labor">hawaii.gov/labor</a>
Maine	Department of Labor PH: 207-287-3787 Internet: <a href="http://www.state.me.us/labor">http://www.state.me.us/labor</a>
Minnesota	Department of Labor and Industry PH: 651-284-5010 Internet: <a href="http://www.doli.state.mn.us">www.doli.state.mn.us</a>
New Jersey	New Jersey Dept. of Labor PH: 609-292-2323 Internet: <a href="http://www.state.nj.us/labor/index.html">www.state.nj.us/labor/index.html</a>
Oregon	Bureau of Labor and Industries PH: 503-731-4070 Internet: <a href="http://www.boli.state.or.us">www.boli.state.or.us</a>
Rhode Island	Department of Labor and Training PH: 401-462-8870 Internet: <a href="http://www.det.state.ri.us">www.det.state.ri.us</a>
Vermont	Vermont Department of Labor PH: 802-828-4000 Internet: <a href="http://www.labor.vermont.gov">www.labor.vermont.gov</a>
Washington	Department of Labor & Industries PH: 360-902-4203 Internet: <a href="http://www.lni.wa.gov">www.lni.wa.gov</a>
Wisconsin	Department of Workforce Development PH: 608-267-9692 Internet: <a href="http://www.dwd.state.wi.us">www.dwd.state.wi.us</a>