Family and Medical Leave
Hope for Caregivers

The Message of the Dove
Saint Louis University Oct. 17, 2004
Family and Medical Leave Act of 1993 Overview

- Requires covered employers to provide 12 weeks of job-protected leave to eligible employees for certain family and medical reasons
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
Job Benefits & Protection

- For the duration of the leave, employer must maintain the employee’s health coverage under any “group health plan”
- Upon return from the FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay and benefits

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The use of FMLA leave cannot result in the loss of any employment benefit that accrues prior to the start of an employee’s leave.
Who is eligible?

- Employees are eligible if they have:
  - Worked for the employer for at least one year
  - Worked 1,250 hours/the last 12 months
Reasons for taking leave

- To care for the employee’s child after birth, or placement for adoption or foster care
- To care for the employee’s spouse, son, daughter, or parent, who has a serious health condition
- For a serious health condition that makes the employee unable to perform the employee’s job
What is a Serious Health Condition?

- Inpatient care in a hospital, hospice or residential medical care facility
- Continuing treatment by a health care provider to include:
  - Inability to work for more than 3 consecutive days
  - Any period of incapacity due to pregnancy or for prenatal care
Serious Health Condition Cont’d

- Any period of incapacity or treatment due to a chronic health condition
- Any period of incapacity which is permanent or long-term for which treatment may not be effective
- Any period of absence to receive multiple treatments that could result in incapacity of more than 3 days
Examples of Serious Health Conditions

- Exam to determine if a serious health condition exists
- Restorative dental or plastic surgery after an injury
- Removal of cancerous growths
- Treatment for substance abuse
- Strokes
- Pregnancy, severe morning sickness
- Asthmas
- Migraines
Examples of things that are NOT Serious Health Conditions

- Routine physical exams
- Cosmetic treatments or surgery
- Common cold or flu
- Headaches other than migraines
Types of leave available

- Consecutive
- Intermittent
- Reduced work schedule
Questions?