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FAMILY MEDICAL LEAVE ACT

Purpose

To balance the needs of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity
To entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and/or for the care of a child, spouse, or parent with a serious health condition
To accomplish the previous two objectives in a manner that accommodates the legitimate interest of employers

Employers Covered By the Act

The Act applies to any employer who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. Employers with less than 50 employees are excluded from coverage under the Act. The Act also excludes from coverage any employer who employs fewer than 50 employees within a 75-mile radius.

Employees Eligible for Leave

The employee must work for an employer who is required to provide its employees with leave under the Act. The employee must have been employed for at least 12 months and must have completed at least 1,250 hours of service during the previous 12 months at the time the leave begins.

Entitlement to Leave

An eligible employee is entitled to a total of 12 workweeks of unpaid leave during any 12-month period. The employer is able to determine how the 12-month period is calculated. It can be 12 calendar months, 12 months from the employee's date of hire, or as we recommend, 12 months from the day the leave first begins. The employer may also require the employee to use any earned/accrued vacation, sick, or personal leave time towards the 12 weeks of the FMLA leave time. The employee can request leave for any of the following reasons: birth of a child, placement of a child, in order to care for a spouse, child, or parent who has a serious health condition, or due to a personal serious health condition that makes the employee unable to perform the functions of the employee's job position.

Certification of Reason for Leave Request

Employers may require the employee to provide a certification to substantiate the leave request. If the employer requests a second certification, the employer must cover all expenses related to the second certification. Additionally, the employer may choose the health care professional who will provide the second certification, as long as the health care professional is an independent agent, and is not employed by the employer seeking the second certification.

Currently Proposed Changes to FMLA

- An eligible employee may be entitled to a total of 24 hours of leave during any 12 month period to participate in school activities related to the employees' children's education, accompany the employee's children to routine medical or dental appointments, and to accompany an elderly relative of the employee to routine medical or dental appointments or services related to the elder's care.
- Establishment of a partial or full wage replacement system, often referred to as FIRST insurance.
- Changing employers covered by the act from those with 50 or more employees to those with those with 25 or more employees.
- To add to the list of people an employee can request leave to care for, to include domestic partner, parent-in-law, adult child, sibling, or grandparent, if these individuals have a serious health condition.
- To eliminate the hours of service requirement which is currently 1,250 hours.