

CITY OF STAMFORD

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

There is also FMLA for certain persons in the military and their families. See the section, “Military –Related FMLA” below.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- for employee’s incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, civil union partner, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee’s job or to serve as an organ or bone marrow donor.

MILITARY-RELATED FMLA

There are two types: Military Caregiver Leave and Call to Duty Leave.

Caregiver Leave - Permits a spouse, civil union partner, son, daughter, parent or next of kin (“Next of kin” is nearest blood relative. It could include aunt, uncle, grandparent or first cousin of the service member.) to take up to 26 workweeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The leave in this paragraph is only available during a single 12-month period.

Call to Duty Leave- Permits an employee to take FMLA leave (up to 12 weeks in a 12 month period) for “any qualifying exigency” arising out of the fact that the spouse, civil union partner, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. “Any qualifying exigency” is defined as leave for eligible employees with a covered family member on

active duty for: short-notice deployment; military events; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and any additional activities agreed upon by the employer and employee.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification or appropriate documentation in the case of Military “Call to Duty Leave.” Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.”

- An employer may require medical certification to support a request for leave because 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.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.”
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

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 a civil action against an employer for violation.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government,

Department of Labor.

U.S. Department of Labor Employment
Standards Administration

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Wage and Hour Division, Washington, D.C. 20210

Or view the website: WWW.WAGEHOUR.DOL.GOV

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All employees requesting leave under the Family and Medical Leave Act must submit the request in writing to their immediate supervisor, with a copy to the Human Resources Division.

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