

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. Ohio State University employees are eligible if they have worked for at least one year and have worked 1,040 hours over the previous 12 months.

Reasons for Taking Leave

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee’s child after birth, placement for adoption or foster care;
- to care for the employee’s qualifying family member, or domestic partner, who has a serious health condition; or
- for a serious health condition that prevents the employee from performing his/her job.

At the employee’s or employer’s option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide advance notice when the leave is “foreseeable.”
- The employer requires 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 certificate to return to work.

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 service action against an employer for violations.

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

For More Information

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