

The FMLA Act



Under the provisions of the FMLA ACT, business size can affect the eligibility of an employee for leave. Nevertheless, this is not applicable in the manner in which Herman provided an explanation to refuse Tony a chance to secure a three-week leave off. Herman considers business necessity to be the foremost. However, a business size can effect whether an employee can be eligible for the Family Leave and Medical Act. Thus to be eligible for the FMLA, the employee must be employed by a covered employee and works in a work site lying within 75 miles, under which the employer must have at least 50 employees. In addition, the FMLA ACT provides that an employer must work at least 12 months for the employer, and must have worked for at least 1,250 hours for a period of 12 months immediately before the implementation of the FMLA ACT. The FMLA Act provides employees with entitlement for a period of 12 weeks for job protection, for unpaid leave during any period of 12 months. The organization has more than 50 employees; therefore, it covers employers at least 50 or more employees in 20 or more workweeks per year in the current or preceding calendar year. In addition, there is no need to meet the 50 employees' test, since the Act covers all public agencies.

Herman cannot relieve Tony from his duties because this is an example of the behaviors that the FMLA ACT is focused to eliminate. However, there are crucial exemptions provided to the FMLA ACT. These exemptions may guarantee the employer the permission to avoid reinstatement of an employee. For example, a key employee whose earning falls within the top ten percent of the of the organization's office work. If Tony belongs to the

category of key employees, Herman may act within his legal rights to refuse to reinstate Tony.

The Family and Medical Leave Act (FMLA) apply to employers doing business in the private sector and engaging in commerce, or in any industry, service, or activity that affects affecting commerce. The employers must fulfill the number of employees, at least 50 or more employees each working day during at least 20 weeks in the present and following years. The main purpose of the Act is to enhance stability, as well as, economic security of families, as well. It also promotes the nation's interest in preserving the integrity of families.

The regulations provided by the FMLA describes who is eligible for the under the Act, and under specific circumstances. There are conditions that make an employee should meet, in order to qualify for leave off. The ACT does not imply that employers are entitled to make decisions on providing permission to employees. However, the employer can determine the genuineness of an employee's reasons for taking a leave of absence under the act. However, the employer cannot subject employees to coercion or subject them to intimidating tactics, such, as use of threats like loss of jobs, in order to discourage the employees from taking the leave.

In summary, the FMLA ACT allows eligible employees to take leave in a situation of the birth or adoption of a child or the placement of a foster child. In addition, an employee may also take leave in order to take care of a sick family member, or in a situation in which the employee is seriously sick. Such conditions may entail an overnight stay in a healthcare institution, or

subsequent medications that may require hospitalization or a continuing medication provided by a healthcare practitioner that may include the above.