

The 1993 family and medical leave act

Law



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The 1993 Family and Medical Leave Act

The Act of Family and Medical Leave was enacted in 1993 and provides employees with up to twelve weeks of unpaid leave per year, during which time the job protected. In addition, the Act stipulates that employee's group health benefits must be maintained during leave. The Act applies to all public agencies; companies with more than 50 employees; public and private secondary schools; and elementary schools. To be eligible, employees must have worked for twelve months. In addition, they should be working in a location within 75 miles. Qualifying instances include birth and child care of an employee's newborn, placement of a child for adoption or foster care, care for a sick immediate family member, and employee's inability to work due to serious health conditions. The act was updated on 16 June 2009 to include new military family leave entitlements, which was enacted in 2008 under the National Defense Authorization Act. This act was put in place to enable workers to balance work and family responsibilities. The act accommodates employers' legitimate interests while promoting equal employment opportunities for both women and men. The situation applies to case A, as the employee was taking leave to care for their newborn twins. He was eligible given that he had worked for more than 12 months. Further, the leave was less than twelve weeks. There was no violation in this case because the employee was granted leave and reported back at the stipulated time. Since the leave is unpaid, he was not entitled to any payment (Ossip, 2006).

The 1967 act of Age Discrimination

The 1967 law of Age Discrimination was meant to protect individuals and employees aged 40 years and above from discrimination on the basis of age

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during hiring, compensation, discharge, promotion, terms and conditions, or privileges of employment. “ The Equal Employment Opportunity Commission enforces this act” (Ossip, 2006, p25). The situation applies in case B as the employee, aged above 40 years, was denied promotion because of his age. This happened despite the fact that his work performance was above average. Clearly, this was a violation because the promotion was denied solely on account of his age (Pellicciotti, 1994).

The Disability Act

The Disability Act of America was enacted to prevent any form of discrimination against employees with disability in transportation, government activities, communication, and public accommodation (Goren, 2010). The Equal Employment Opportunity Commission (EEOC) states that the ADA Act of 1990 requires employers to make provisions for reasonable accommodations to qualified employees or job applicants with disabilities albeit without constituting undue hardship to the company (Goren, 2010, pp. 23). The Company X is obliged under law to comply with the provisions of the Act, and in the case of Applicant C, a wheelchair will have to be provided for to facilitate movement in the entire building. However, to comply with the ADA Act in providing “ reasonable accommodation”, the company will have to change the settings of two of the elevators for seven floors.

Before attempting to determine whether a violation actually occurred in denying the Applicant a position at the company, it is important to first assess if the applicant was “ otherwise qualified” for the job (Goren, 2010, pp. 9; Blanck 2000). Assuming Applicant C was indeed qualified, after careful review of the provisions of the Act, it is deemed that the company indeed violated the Act by failing to provide reasonable accommodation, which is <https://assignbuster.com/the-1993-family-and-medical-leave-act/>

clearly stipulated by law concerning adaptations or modifications to occupational settings to make existing facilities accessible (Goren, 2010, pp. 72).

Therefore, unless the company can prove that making such alterations to accommodate Applicant C would cause undue hardship on the company's operations or finances, it is obligatory for the company to make the elevators accessible, or provide means and tools of accessing all the floors in the building. On the other hand, if indeed the costs of alterations do indeed cause undue hardship, the company will find it useful to argue that the costs of alterations will fundamentally alter its operations since unwarranted complication is determined on the entire firm not just one section of the firm.

References

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