

Fmla this is a human
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The Family and Medical Leave Act The Family and Medical Leave Act The Family and Medical Leave Act (FMLA) was enacted by Congress in 1993 in order to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. “ It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women” (U. S. Dep’t. of Labor, n. d.). FMLA applies to all companies which employ over 50 employees within 75 miles of the worksite, and to companies with at least 50 employees who worked 20 or more work-weeks in the current or preceding calendar year. However, if a company is a public agency, including all private and public schools, it must provide FMLA regardless of the number of employees. The FMLA allows eligible employees to take off up to 12 work weeks in any 12 month period to take care of a new child in the family whether by birth, adoption or by placement in foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or if the employee himself is unable to work because of a serious health condition (USDOL, n. d.). An employee can be eligible to FMLA if he is unable to perform his essential job function. The FMLA regulations guarantees time-off but it is up to the employer if he will pay the employee and provide benefits while he takes a leave. The continuous, intermittent and reduced schedules are the three different kinds of FMLA leave. The continuous leave is when an employee is absent for more than three consecutive business days and has been treated by a doctor. The intermittent leave is when an employee takes time off in separate blocks. It can either be in hourly, daily, or weekly increments. This type of leave is usually taken by an employee who undergoes ongoing treatment. On the <https://assignbuster.com/fmla-this-is-a-human-resoures-class/>

other hand, an employee usually takes a reduced schedule, meaning a reduction in the amount of work hours per day or per week when he needs to care for a family member (FmlaOnline, n. d.). The FMLA guidelines provide that the employee has the right to return to his position after his leave. If however, because of the medical condition of the employee, he can no longer perform his previous job, the employer must offer him an alternative position with the same benefits, salary, and work hours. Another responsibility of the employer under the FMLA rulings is to provide the necessary FMLA paperwork to its employees who express the intention to take a leave. The two forms that must be filled out by the employee are the FMLA Medical Certification Form and the FMLA Notification Form (FmlaOnline, n. d.). Some companies though, require their own additional forms. For foreseeable events, the employees are required to file a 30 days' notice in advance. FMLA has several advantages. Foremost among these is that FMLA offers job protection. After taking an FMLA leave, an employer is obligated to give back to the employee his original job or an equivalent job, together with its salary and benefits. Another notable advantage of FMLA is its versatility because it covers a wide range of conditions to qualify for the leave. Moreover, the time allowed for the leave is just enough especially for women who gave birth. However, some people consider it inadequate if an employee is faced with serious health conditions. A major drawback of the FMLA is that it is an unpaid leave. It will be extremely difficult for an employee who suddenly gets sick because of the financial burden of not having a salary. For the employer, it is quite costly to get a temporary replacement for the employee on leave. Also, the guidelines as to what constitute a serious illness are vague which makes it hard for the employer to decide whether to

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approve the leave or not. In conclusion, it is important that both employers and employees familiarize themselves with the guidelines of FMLA to ensure that both parties are able to benefit from the Act. Since the FMLA was enacted to aid employees in balancing work and personal obligations in times of crisis, the employers must be supportive of this Act because in the end, it will also benefit the company. References Dwoskin, L. & Squire, M. " Fmla boot bamp: Regulatory and case law developments under the Family and Medical Leave Act". Labor Law Journal. FindArticles. com. Retrieved 23 May 2011. http://findarticles.com/p/articles/mi_hb5923/is_201004/ai_n53929355/ FmlaOnline. com. (n. d.). The Family and Medical Leave Act (FMLA). Retrieved 23 May 2011. <http://fmlaonline.com/> United States Department of Labor (DOL). (n. d.). Leave benefits. Retrieved 23 May 2011. <http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>