

# Family and medical leave act (fmla)

[Family](#)



Family and Medical Leave Act (FMLA) What is Family and Medical leave Act (FMLA)? The Family and Medical Leave Act (FMLA) that was passed in 1993, is a national policy that grants workers up to twelve weeks of unpaid leave in four situations. These four situations are for pregnancy; to care for an infant, such as newborns, newly-placed foster children, and adoptions; to care for a relative with a serious health condition; or to allow an employee to recover and recuperate from a personal serious health condition. This paper will be discussing the impact of FMLA on employers and the protections provided by this law. (Vikesland, 2009) Protections Provided by FMLA The FMLA is covered mainly through private-sector employers and public agencies having more than five employees. Those who are eligible for FMLA, are employees who have been employed for at least one year and have worked over 1,250 hours the previous year. Those who are excluded are employees who are at any worksite when a company has fewer than 50 employees that work within 75 miles of the company. The basic forward motion behind this act was in due course to establish a need and assistance to families in the midst of crisis.

The Department of Labor's Wage and Hour Division published a Final Rule under the Family and Medical Leave Act. This final rule became effective on January 16, 2009, which updates the FMLA regulations to implement new military family leave entitlements enacted under the National Defense Authorization Act for 2008. The Impact of FMLA on Employers The FMLA is controversial even to this day. Employers who support this act argues that as more women who enter the workforce, workers have a legal right to take

leave as needed to care for family members who are injured, sick, or even to care for infants.

FMLA allows workers to balance their lifestyle with commitments to work and family life, making it easier for employers who support this act to retain their employees. Prior to having the FMLA passed during a debate, representatives were arguing of employees who were fired just for undergoing surgery, caring for an ill family member, or even for pregnancy and postpartum care afterwards. President Bush prior to the passing of FMLA in 1992 vetoed a similar bill which was to suppress the creation of new jobs resulting in the elimination of jobs that already existed. With the election of President Clinton in 1992 assured the passing of FMLA which has been the focal point of Clinton's campaign. (dol. gov. , 2009) The FMLA was the first legislation that Clinton signed after taking office. After that, employers and employees who are supporter of FMLA amended this to make sure it was incorporated in more workplaces and to help provide for paid leave instead of unpaid leave. Employers or employees skeptical of the FMLA focused on current Department of Labor regulations for needless burdens upon employers.

The Society for Human Resource Management had arguments regarding the truth and legitimacy of requested leave. With those arguments, there were changes in the policy and procedures of being an employee in a company revisiting regulations. There was also a concern that employment law had failed to account for changes through employers and did not provide enough protection to family life. There were prominent congressional debates over the bill due to the potential loss of an employee/ parent who may be forced

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to quit their job in order to care for one of the four situations that FMLA covers.

Investigators who took a survey of leave not only focused on pregnancy and child care leave but compiled results in the year 2000 showing that a majority of workers who took leave were mainly for their own health reasons. Investigators have also collected and research on two main areas such as the effect of the regulations of covering intermittent leave and the effects of leave of the coworkers of the employees. Research shows that employees who have used this act have been mixed in with their own personal use not just for the four situations but also has aggravated absentee problems of employees.

Conclusion With the finding on research and the effects of the FMLA which was at first was focused on its effects on pregnant women, mothers in need to care for a sick child which was only one part of this act being passed. FMLA is more a leave likely to be taken by employees to help balance work and life being able to take care of their own situation. There are a number of issues that employers face with FMLA but also award it and regulate it in their companies to retain employees. The national policy on the welfare of employees is that they are able to have a leave of absence of work without the prosecution of being fired. This act enables help to situations such as pregnancy, caring for a newborn infant, newly-placed foster child/ adoptions, to care for a relative with a serious health condition; or to allow recovery of a personal serious health condition. References Family and Medical Leave Act. Wage and Hour Division. Retrieved on March 29, 2009: <http://www.dol.gov/esa/whd/fmla/> Vikesland , Gary. MA LP CEAP. " Balancing Work and <https://assignbuster.com/family-and-medical-leave-act-fmla/>

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