

YOUR RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE:

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

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

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

ADVANCED 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 30 days advance notice when the leave is "foreseeable".
- An employer may require 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 report releasing the employee to return to work to full duty with no restrictions.

If you are requesting a medical leave for your own serious health condition or the serious health condition of a family member, you must furnish medical certification of the serious health condition within 15 days of your request, where practicable. Failure to furnish such medical certification may be grounds for denial of your leave request until such certification is provided.

You must exhaust any unused paid sick leave during the requested leave. The paid leave will run concurrently with your FMLA leave of absence and count against your annual entitlement. You have the right to substitute any unused paid vacation or other paid leave you may have for any part of this otherwise unpaid leave.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan". The employee is still responsible for their dependant portion of the premium payments under our health insurance plan. Failure to make timely payments may result in cancellation of their dependant health insurance coverage during their leave.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- If you fail to return to work after your leave, you will be considered to have abandoned your job, unless your failure to return is due to the condition, recurrence or onset of a serious health condition or other circumstances beyond your control. Medical recertification will be necessary in order to extend your leave.

Depending upon the nature of your FMLA absence, we may require a certification of fitness to return to duty before allowing you to return to work. Determination of the need for a "fitness-for-duty" report will be based upon the nature of the illness and the duration of the leave provided that a "fitness-for-duty" report will be required for all absences of three (3) or more days. Failure to submit such certification will result in a denial of your restoration to employment following FMLA leave.

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 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 which provides greater family or medial leave rights.

FOR ADDITIONAL INFORMATION:

Contact the nearest office of the Wage and Hour Division listed in most telephone directories under U.S. Government, Department of Labor.

If you have any questions or concerns regarding your leave of absence or our applicable policy, please contact Dan Davidson, Benefits Specialist II at 239-377-0360 or Joanna Ciani, Benefits Specialist II at 239-377-0353.