

## **Description**

In 1993, Congress passed the Family and Medical Leave Act (FMLA) to provide a national policy that supports families in their efforts to strike a balance between the competing demands of the workplace and the home. These demands have intensified over the last 25 years, as the nation has experienced dramatic social and economic changes affecting businesses, employees, and families alike. American businesses have confronted a changing world economy marked by increasing competition, technological innovation, and instability. Many more women have entered the labor force. Many families' care-giving needs are now being met by family members who also are holding down jobs. This, in turn, has fueled the rising need among employees for workplace policies that enable them to meet the often-competing demands of job and home.

The FMLA provides eligible employees with up to 12 workweeks of unpaid, job-protected leave a year, and it requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

Prior to the Family and Medical Leave Act, employees only had access to family and medical leave through state leave statutes or individual employer's policies. Leave was often handled on a case-by-case basis, periods of leave were of a shorter duration, and health insurance and other benefits were not necessarily maintained. In addition, the discretionary nature of many leave policies meant that leave-taking employees often did so at some risk to their job security.

## **Objectives**

After your training program, the trainees should be able to:

- Outline the basic provisions of the FMLA.
- Describe the employee eligibility requirements.
- Outline the reasons for taking FMLA leave.
- Discuss the FMLA's notification requirements.
- Describe the requirements to reinstate employees who were on FMLA leave.

## **Audience**

The supervisor is likely the first person to hear an employee's concerns about being able to report for work. Supervisors need a basic understanding of how the FMLA applies to the workplace and its employees. Even if supervisors refer employees to the HR department for FMLA-related issues, they should be able to recognize circumstances under which an employee may be eligible for FMLA leave, and they should understand the impact FMLA leave can have on their job scheduling responsibilities.

## **Requirements**

Although there is no requirement to provide supervisors with training in the FMLA, it is a good practice to ensure supervisors understand how the Act's provisions apply to their employees.

There are, however, federal regulations that address FMLA leave.

- 29 CFR Part 825
- 26 CFR Part 1.125-3

A number of states have their own family leave statutes. Nothing in the FMLA supersedes a provision of state law that is more beneficial to the employee, and employers must comply with the more beneficial provision.