

QUIZ: Family & Medical Leave Act

Many employers are required to comply with a federal law called the Family and Medical Leave Act, or FMLA. However, not every employee is entitled to receive the protections of FMLA in every situation. If you are an employer, do you know when you have to comply with the FMLA? If you are an employee, do you know when you are protected by the FMLA? The following true or false questions may help resolve those issues.

Q: An employee who has worked six months or more for an employer is entitled to take FMLA leave. True ____ False ____

A: False. An employee must have worked for the employer for at least twelve months and must have worked at least 1,250 hours over the previous twelve months in order to qualify for FMLA leave. In addition, the employer must have at least fifty employees before it is required to comply with FMLA.

Q: An employer does not have to have fifty employees in one location in order to be required to follow FMLA. True ____ False ____

A: True. An employer need only have fifty employees on its payroll within a seventy-five mile geographical area in order to be required to comply with the FMLA.

Q: Under the FMLA, an employee may be entitled to twenty weeks of unpaid, job-protected leave per year. True ____ False ____

A: False. Up to twelve weeks of unpaid, job-protected leave is allowed per year for eligible employees.

Q: FMLA leave must be paid by the employer. True ____ False ____

A: False. While the FMLA requires certain employers to allow eligible employees to have time off from work, that time off does not have to be paid. Employees may, if they

choose, use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA period.

Q: An employer must designate leave as counting toward an employee's FMLA entitlement before they take the leave. True ____ False ____

A: True, in most cases. In some situations, such as where the employer was not aware of the reason for an employee's leave from work, the employer is entitled to retroactively declare it as FMLA leave so long as they do so within two business days of the employee's return to work.

Q: A "family member" under the FMLA includes in-laws. True ____ False ____

A: False. The definition of a "parent" under the FMLA does not include a parent in-law. Therefore in-laws are not considered to be "family members" of an eligible employee.

Q: Group health insurance coverage may be cancelled or revoked during an employee's FMLA leave. True ____ False ____

A: False. An employer may not cancel or otherwise take away an employee's group health insurance coverage while on an FMLA leave.

Q: Under the FMLA, a "health care provider," from whom an employee may seek treatment while on a leave, includes a chiropractor. True ____ False ____

A: True. A chiropractor may be considered a "health care provider" so long as the employee is being treated with manual manipulation of the spine in order to correct a subluxation which is demonstrated by x-ray to exist.

Q: Employees need to give copies of medical records to their employer when they take FMLA leave for a serious health condition. True ____ False ____

A: False. An employee does not need to provide actual copies of medical records. However, the employer may ask employees to provide a medical certification from their physicians confirming that a serious health condition does in fact exist.

Q: An employee who returns from FMLA leave must be given his or her old job back. True ____ False ____

A: False. An employee may be returned to his or her old job or be given an equivalent job which has the same pay, benefits, and other terms and conditions of employment.

Q: An employer can refuse to grant FMLA leave to an eligible employee.

True ____ False ____

A: False. If an employee is eligible for FMLA benefits and has not yet used up his or her twelve-week entitlement during the twelve-month period, an employer may not refuse to allow the employee to take FMLA leave.

Q: An eligible employee may take FMLA leave while going through the process of adopting a child.

True ____ False ____

A: True. An eligible employee may receive time off from work while a child is being placed with him or her for adoption or foster care.

Q: An employee protected by the FMLA may also seek protection under the Americans with Disabilities Act.

True ____ False ____

A: True. Just because employees are covered by one of these federal laws does not mean that they cannot also seek protection under the other law.

Q: There are state laws, similar to FMLA, which may afford greater protection for employees.

True ____ False ____

A: True. Some states have enacted their own family and medical leave laws which may provide greater protections than the federal FMLA.