



#### OFFICE LOCATION

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## PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

# When an Employee is Protected by the Family and Medical Leave Act

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Not only are you protected under the law should you suffer a **work-related injury**, but under the **Family and Medical Leave Act (FMLA)**, you may be able to take a leave from work should other situations arise.

These situations, namely, are for the birth and care of the employee's newborn child; for placement with the employee of a child for adoption or foster care; to care for an immediate family member with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition.

The FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. Employees are eligible for leave if they have worked for their employer at least 12 months, and at least 1,250 hours over the past 12 months.

Employees may take up to 12 weeks of unpaid leave and, depending on their benefits program, may qualify to receive wages during all or part of this time. An additional section of the FMLA states that employees may take leave from work for up to 26 weeks to care for family members who are part of the U.S. Armed Forces. Under this law, employees are guaranteed that they will retain their jobs and continue to receive health insurance.

Many employers have maternity leave benefits – and increasingly paternity leave as well – that vary in length, and during which employees continue to receive their regular wages.

If there is any question of whether you qualify for FMLA protection, and if you are entitled to receive wages and/or additional benefits during your leave, hiring an attorney can help. If you have been fired from a



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job for taking time off to address any of the circumstances covered under FMLA, you should also hire an attorney. The FMLA exists to protect you, and sometimes an attorney can help you determine how it can best serve you.