

**ESSEX COUNTY COLLEGE
HUMAN RESOURCES DEPARTMENT**

**YOUR RIGHTS
Under the
FAMILY AND MEDICAL LEAVE ACT (FMLA) 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.

REASON 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 (e.g. earned vacation, personal or sick 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 a second or third opinion (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION

- ◆ For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".
- ◆ 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.

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 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 medical leave rights.

POLICY: It is the policy of Essex County College to comply with all provisions of the Family and Medical Leave Act.

FOR ADDITIONAL INFORMATION CONTACT

Essex County College
Human Resources Department
303 University Avenue
Newark, NJ 07102
(973) 877-3085